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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Throughout history victims of emergencies or  
2 disasters have often become victimized a second time by  
3 opportunists who engage in civil unrest, looting, and other  
4 crime. Most recently, the world had a front row seat to wide-  
5 spread criminal activity and looting following Hurricane  
6 Katrina.

7           The legislature recognizes that if strong measures to  
8 control law and order are not in place before a disaster or  
9 emergency, civil unrest and looting and other crimes are likely  
10 to increase after a disaster or emergency. The legislature also  
11 recognizes that preventive measures require fewer resources than  
12 that required to restore and rebuild.

13           The legislature also finds that when resources are needed  
14 to restore law and order, emergency response aid to victims is  
15 hampered and delayed, leaving victims at an increased risk of  
16 bodily injury or death.

17           The legislature finds that every effort should be made to  
18 protect the health and safety of the public by preventing civil



1 unrest and looting and other crimes before they occur and that  
2 severe penalties will deter the majority of these opportunistic  
3 crimes.

4 The purpose of this Act is to significantly increase the  
5 criminal penalties for the commission of certain crimes during a  
6 time of civil defense emergency proclaimed by the governor under  
7 chapter 128, Hawaii Revised Statutes.

8 SECTION 2. Chapter 707, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 **"§707- Assault against a civil defense emergency worker.**

12 (1) A person commits the offense of assault against a civil  
13 defense emergency worker if the person, during the time of a  
14 civil defense emergency proclaimed by the governor pursuant to  
15 chapter 128, within the area covered by the civil defense  
16 emergency:

17 (a) Intentionally, knowingly, or recklessly causes serious  
18 or substantial bodily injury to a civil defense  
19 emergency worker; or

20 (b) Intentionally, knowingly, or recklessly causes bodily  
21 injury to a civil defense emergency worker with a  
22 dangerous instrument.



1       (2) Assault against a civil defense emergency worker is a  
2 class B felony."

3       SECTION 3. Chapter 708, Hawaii Revised Statutes, is  
4 amended by adding two new sections to be appropriately  
5 designated and to read as follows:

6       "§708-    Burglary of a dwelling during a civil defense  
7 emergency. (1) A person commits the offense of burglary of a  
8 dwelling during a civil defense emergency if the person:

9       (a) Intentionally enters or remains unlawfully in a  
10 dwelling with intent to commit therein a crime against  
11 a person or against property rights; and

12       (b) Recklessly disregards a risk that the building is the  
13 dwelling of another, and the building is such a  
14 dwelling,

15 during the time of a civil defense emergency proclaimed by the  
16 governor pursuant to chapter 128, within the area covered by the  
17 civil defense emergency.

18       (2) Burglary of a dwelling during a civil defense  
19 emergency is a class A felony.

20       §708-    Burglary of a building during a civil defense  
21 emergency. (1) A person commits the offense of burglary of a  
22 building during a civil defense emergency if the person



1 intentionally enters or remains unlawfully in a building other  
2 than a dwelling with intent to commit therein a crime against a  
3 person or against property rights during the time of a civil  
4 defense emergency proclaimed by the governor pursuant to chapter  
5 128, within the area covered by the civil defense emergency.

6 (2) Burglary of a building during a civil defense  
7 emergency is a class B felony."

8 SECTION 4. Section 707-700, Hawaii Revised Statutes, is  
9 amended by adding a new definition to be appropriately inserted  
10 and to read as follows:

11 ""Civil defense emergency worker" means any:

12 (1) Law enforcement officer, including but not limited to  
13 any police officer, public safety officer, parole or  
14 probation officer, or any other officer of any county,  
15 state, federal, or military agency authorized to  
16 exercise law enforcement or police powers;

17 (2) Firefighter, emergency medical services personnel,  
18 emergency medical technician, ambulance crewmember, or  
19 any other emergency response personnel;

20 (3) Member of the Hawaii national guard on any duty or  
21 service done under or in pursuance of an order or call



1 of the governor or the President of the United States  
2 or any proper authority;

3 (4) Member of the United States Army, Air Force, Navy,  
4 Marines, or Coast Guard on any duty or service done  
5 under or in pursuance of an order or call of the  
6 President of the United States or any proper  
7 authority;

8 (5) Member of the national guard from any other state  
9 ordered into service by any proper authority; or

10 (6) Person engaged in civil defense functions as  
11 authorized by the director or vice director of civil  
12 defense who are engaged in civil defense functions  
13 under chapter 128."

14 SECTION 5. Section 708-820, Hawaii Revised Statutes, is  
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of criminal property  
17 damage in the first degree if:

18 (a) The person intentionally or knowingly damages property  
19 and thereby recklessly places another person in danger  
20 of death or bodily injury; [~~or~~]



1 (b) The person intentionally or knowingly damages the  
2 property of another, without the other's consent, in  
3 an amount exceeding \$20,000~~[+]~~; or

4 (c) The person intentionally or knowingly damages the  
5 property of another during the time of a civil defense  
6 emergency proclaimed by the governor pursuant to  
7 chapter 128, within the area covered by the civil  
8 defense emergency."

9 SECTION 6. Section 708-830.5, Hawaii Revised Statutes, is  
10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of theft in the first  
12 degree if the person commits theft:

13 (a) Of property or services, the value of which exceeds  
14 \$20,000;

15 (b) Of a firearm; ~~[or]~~

16 (c) Of dynamite or other explosive~~[+]~~; or

17 (d) Of property or services during the time of a civil  
18 defense emergency proclaimed by the governor pursuant  
19 to chapter 128, within the area covered by the civil  
20 defense emergency, the value of which exceeds \$300."

21 SECTION 7. Section 708-840, Hawaii Revised Statutes, is  
22 amended by amending subsection (1) to read as follows:



1           "(1) A person commits the offense of robbery in the first  
2 degree if, in the course of committing theft:

3           (a) The person attempts to kill another, or intentionally  
4           or knowingly inflicts or attempts to inflict serious  
5           bodily injury upon another; [~~or~~]

6           (b) The person is armed with a dangerous instrument and:

7           (i) The person uses force against the person of  
8           anyone present with intent to overcome that  
9           person's physical resistance or physical power of  
10          resistance; or

11          (ii) The person threatens the imminent use of force  
12          against the person of anyone who is present with  
13          intent to compel acquiescence to the taking of or  
14          escaping with the property[~~or~~];

15          (c) The person uses force against the person of anyone  
16          present with the intent to overcome that person's  
17          physical resistance or physical power of resistance  
18          during the time of a civil defense emergency  
19          proclaimed by the governor pursuant to chapter 128,  
20          within the area covered by the civil defense  
21          emergency; or



1        (d) The person threatens the imminent use of force against  
2        the person of anyone who is present with intent to  
3        compel acquiescence to the taking of or escaping with  
4        the property during the time of a civil defense  
5        emergency proclaimed by the governor pursuant to  
6        chapter 128, within the area covered by the civil  
7        defense emergency."

8        SECTION 8. This Act does not affect rights and duties that  
9        were matured, penalties that were incurred, and proceedings that  
10       were begun, before its effective date.

11       SECTION 9. Statutory material to be repealed is bracketed  
12       and stricken. New statutory material is underscored.

13       SECTION 10. This Act shall take effect on January 1, 2096.





HB 2343

HD1

**Report Title:**

Civil defense personnel; crimes

**Description:**

Increases the criminal penalties for the commission of certain crimes during a time of civil defense emergency proclaimed by the Governor. (HB2343 HD1)

