

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 2343
H.D. 1
S.D. 2

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
5 wide-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



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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

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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



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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[-];

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 July 1, 2050.

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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. (SD2)

