

Honolulu, Hawaii

FEB 8, 2006

RE: H.B. No. 1787  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1787 entitled:

"A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT,"

begs leave to report as follows:

The purpose of this bill is to protect children and improve vehicle safety by establishing a traffic violation for leaving a child unsupervised in a motor vehicle. Specifically, this bill:

- (1) Prohibits leaving a child under the age of nine in a motor vehicle unless supervised by an adult or a minor who is at least 15 years of age;
- (2) Provides immunity from any civil action relating to good faith acts by law enforcement officers, firefighters, and rescue team personnel to remove an unsupervised child from a motor vehicle in a dangerous situation; and
- (3) Requires driver's license examinations to test the applicant's knowledge of the new traffic violation for leaving a child unsupervised in a motor vehicle.

The Department of the Prosecuting Attorney for the City and County of Honolulu, Hawaii Family Forum, Kids and Cars, Kids in Cars, and numerous concerned individuals submitted testimony in support of this bill. Healthy Mothers, Healthy Babies Coalition



of Hawaii supported the intent of this measure. The Office of the Public Defender opposed this bill.

Your Committee finds that while this bill is aimed at preventing dangerous situations involving unsupervised children in motor vehicles, the issue of determining the appropriate age at which a child may be safely left unattended, among other considerations, merits further discussion.

Your Committee has amended this bill by:

- (1) Removing the provision making the new traffic violation an absolute liability offense;
- (2) Lowering the age of a person who may supervise a child in a motor vehicle, from 15 years of age to 12;
- (3) Eliminating the provision requiring driver's license examinations to test the applicant's knowledge of the new traffic violation;
- (4) Changing the effective date to January 1, 2006, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1787, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1787, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



SYLVIA LUKE, Chair



