

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 2343
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. 2343 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this bill is to prevent unlawful acts during a civil defense emergency by significantly increasing the criminal penalties for the commission of certain crimes during such a period. Specifically, this bill:

- (1) Defines a "civil defense emergency worker";
- (2) Classifies assault on an emergency worker, causing substantial bodily injury or with a dangerous weapon, as a class A felony;
- (3) Classifies burglary of a dwelling during a civil defense emergency as a class A felony and of a building during a civil defense emergency as a class B felony;
- (4) Classifies property damage and theft of over \$300 during a civil defense emergency as a class B felony; and
- (5) Classifies robbery through the use or threat of force during a civil defense emergency as a class A felony.




The Department of the Attorney General and the Department of Defense testified in support of this bill. The Office of the Public Defender opposed this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu offered comments.

Your Committee has amended this bill by:

- (1) Reducing the classification of assault on an emergency worker from a class A to a class B felony;
- (2) Providing that an element of the crime of burglary during the time of civil defense emergency is that the individual recklessly disregards the risk of entering a building that is the dwelling of another, and the building is such a dwelling;
- (3) Adding a savings clause;
- (4) Changing the effective date to January 1, 2096, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, 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. 2343, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2343, H.D. 1.

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


SILVIA LUKE, Chair



