

Honolulu, Hawaii

MAR 15 2006

RE: H.B. No. 2343  
H.D. 1  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Transportation and Government Operations,  
to which was referred H.B. No. 2343, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to penalize the commission of  
certain crimes committed during a time of civil defense emergency  
proclaimed by the Governor pursuant to law.

This measure would:

- (1) Define a "civil defense emergency worker";
- (2) Enact new offenses of:
  - (A) Assault against a civil defense emergency worker,  
as a class B felony; and
  - (B) Burglary of a dwelling or a building during a civil  
defense emergency as a class A felony;
- (3) Expand the offenses of:
  - (A) Criminal property damage in the first degree to  
include intentionally or knowingly damaging  
property of another during a civil defense  
emergency;



- (B) Theft in the first degree to include theft of property or services during a civil defense emergency; and
- (C) Robbery in the first degree to include using force to commit a theft or threatening imminent use of force against a person during time of civil defense emergency.

Your Committee received testimony in support of this measure from the Attorney General and State Civil Defense. Testimony in opposition was received from the Public Defender.

Your Committee finds that strong penalties would deter the majority of opportunistic crimes during civil emergencies. When resources are needed to restore law and order, emergency response aid to victims may be hampered or delayed, leaving victims at an increased risk of bodily injury or death. If strong measures to control law and order are not in place before a disaster or emergency occurs, looting and other crimes are likely to increase.

Your Committee has amended this measure by changing the effective date to upon its approval.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2343, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2343, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
Government Operations,

  
LORRAINE R. INOUE, Chair



