

Honolulu, Hawaii

APR - 5 2006

RE: H.B. No. 2343
H.D. 1
S.D. 2

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2343, H.D. 1, S.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 a civil defense emergency proclaimed by the Governor pursuant to law.

Your Committee received testimony in support of this measure from the Department of the Attorney General and the State of Hawaii Department of Defense. The Office of the Public Defender submitted testimony in opposition to this measure.

Your Committee finds that Hurricanes Katrina and Rita created situations that highlighted the prevalence of opportunistic crimes that can occur 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. Stronger measures to control law and order may deter looting and other crimes during times of civil emergencies.

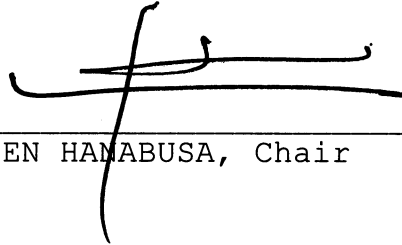
Your Committee notes the concerns raised by the Office of the Public Defender in situations where people are in need of food, water, and shelter and may take such items that do not belong to them. Therefore, your Committee has amended this measure to



insert a defective effective date to provide for further discussion on this issue.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2343, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2343, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



