
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 crimes. Most recently, the world had a front-row seat to wide
5 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 those 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



1 unrest and looting and other crimes before they occur and that
2 severe penalties will deter the majority of these crimes of
3 opportunity.

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, or during the period of
8 disaster relief under chapter 127, Hawaii Revised Statutes.

9 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§707- Assault against an emergency worker. (1) A
13 person commits the offense of assault against an emergency
14 worker if the person, during the time of a civil defense
15 emergency proclaimed by the governor pursuant to chapter 128,
16 within the area covered by the civil defense emergency or during
17 the period of disaster relief under chapter 127:

18 (a) Intentionally, knowingly, or recklessly causes serious
19 or substantial bodily injury to an emergency worker;
20 or



1 (b) Intentionally, knowingly, or recklessly causes bodily
2 injury to an emergency worker with a dangerous
3 instrument.

4 (2) Assault against an emergency worker is a class B
5 felony."

6 SECTION 3. Chapter 708, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "§708- **Burglary of a dwelling during a civil defense**

10 emergency or disaster relief period. (1) A person commits the
11 offense of burglary of a dwelling during a civil defense
12 emergency or disaster relief period if the person:

13 (a) Intentionally enters or remains unlawfully in a
14 dwelling with intent to commit therein a crime against
15 a person or against property rights; and

16 (b) Recklessly disregards a risk that the building is the
17 dwelling of another, and the building is such a
18 dwelling,

19 during the time of a civil defense emergency proclaimed by the
20 governor pursuant to chapter 128, within the area covered by the
21 civil defense emergency or during the period of disaster relief
22 under chapter 127.

1 (2) Burglary of a dwelling during a civil defense
2 emergency or disaster relief period is a class A felony.

3 §708- Burglary of a building during a civil defense
4 emergency or disaster relief period. (1) A person commits the
5 offense of burglary of a building during a civil defense
6 emergency or disaster relief period if the person intentionally
7 enters or remains unlawfully in a building other than a dwelling
8 with intent to commit therein a crime against a person or
9 against property rights during the time of a civil defense
10 emergency proclaimed by the governor pursuant to chapter 128,
11 within the area covered by the civil defense emergency or during
12 the period of disaster relief under chapter 127.

13 (2) Burglary of a building during a civil defense
14 emergency or disaster relief period is a class B felony."

15 SECTION 4. Section 707-700, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:

18 "Emergency worker" means any:

19 (1) Law enforcement officer, including but not limited to
20 any police officer, public safety officer, parole or
21 probation officer, or any other officer of any county,

- 1 state, federal, or military agency authorized to
2 exercise law enforcement or police powers;
- 3 (2) Firefighter, emergency medical services personnel,
4 emergency medical technician, ambulance crewmember, or
5 any other emergency response personnel;
- 6 (3) Member of the Hawaii national guard on any duty or
7 service done under or in pursuance of an order or call
8 of the governor or the President of the United States
9 or any proper authority;
- 10 (4) Member of the United States Army, Air Force, Navy,
11 Marines, or Coast Guard on any duty or service done
12 under or in pursuance of an order or call of the
13 President of the United States or any proper
14 authority;
- 15 (5) Member of the national guard from any other state
16 ordered into service by any proper authority;
- 17 (6) Person engaged in civil defense functions as
18 authorized by the director of civil defense or as
19 otherwise authorized under chapter 128; or
- 20 (7) Person engaged in disaster relief by authorization of
21 the director of disaster relief or as otherwise
22 authorized under chapter 127."



1 SECTION 5. Section 708-820, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of criminal property
4 damage in the first degree if:

5 (a) The person intentionally or knowingly damages property
6 and thereby recklessly places another person in danger
7 of death or bodily injury; ~~or~~

8 (b) The person intentionally or knowingly damages the
9 property of another, without the other's consent, in
10 an amount exceeding \$20,000~~[-]~~; or

11 (c) The person intentionally or knowingly damages the
12 property of another during the time of a civil defense
13 emergency proclaimed by the governor pursuant to
14 chapter 128, within the area covered by the civil
15 defense emergency or during the period of disaster
16 relief under chapter 127."

17 SECTION 6. Section 708-830.5, Hawaii Revised Statutes, is
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of theft in the first
20 degree if the person commits theft:

21 (a) Of property or services, the value of which exceeds
22 \$20,000;



- 1 (b) Of a firearm; [~~or~~]
- 2 (c) Of dynamite or other explosive[~~-~~]; or
- 3 (d) Of property or services during the time of a civil
- 4 defense emergency proclaimed by the governor pursuant
- 5 to chapter 128, within the area covered by the civil
- 6 defense emergency or during the period of disaster
- 7 relief under chapter 127, the value of which exceeds
- 8 \$300."

9 SECTION 7. Section 708-840, Hawaii Revised Statutes, is
 10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of robbery in the first
 12 degree if, in the course of committing theft:

13 (a) The person attempts to kill another, or intentionally
 14 or knowingly inflicts or attempts to inflict serious
 15 bodily injury upon another; [~~or~~]

16 (b) The person is armed with a dangerous instrument and:

17 (i) The person uses force against the person of
 18 anyone present with intent to overcome that
 19 person's physical resistance or physical power of
 20 resistance; or

21 (ii) The person threatens the imminent use of force
 22 against the person of anyone [~~who is~~] present

1 with intent to compel acquiescence to the taking
2 of or escaping with the property[-];

3 (c) The person uses force against the person of anyone
4 present with the intent to overcome that person's
5 physical resistance or physical power of resistance
6 during the time of a civil defense emergency
7 proclaimed by the governor pursuant to chapter 128,
8 within the area covered by the civil defense emergency
9 or during the period of disaster relief under chapter
10 127; or

11 (d) The person threatens the imminent use of force against
12 the person of anyone present with intent to compel
13 acquiescence to the taking of or escaping with the
14 property during the time of a civil defense emergency
15 proclaimed by the governor pursuant to chapter 128,
16 within the area covered by the civil defense emergency
17 or during the period of disaster relief under chapter
18 127."

19 SECTION 8. This Act does not affect rights and duties that
20 were matured, penalties that were incurred, and proceedings that
21 were begun, before its effective date.



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect upon its approval.



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 or during the period of disaster relief. Effective upon approval. (HB2343 CD1)

