

STAND. COM. REP. NO. 87

Honolulu, Hawaii

Feb 6, 2007

RE: H.B. No. 356
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 356 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) Allows law enforcement, firefighter, or rescue team personnel to use whatever means reasonably necessary to protect the child or others and to remove the child from the motor vehicle;
- (3) 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;
- (4) 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; and

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- (5) Requires rental motor vehicle lessors to notify lessees of the motor vehicle laws regarding leaving a child unsupervised in a motor vehicle.

The Department of the Prosecuting Attorney for the City and County of Honolulu, Hawaii Family Forum, Healthy Mothers, Healthy Babies Coalition of Hawaii, and a concerned individual testified in support of this bill. The Department of Human Services (DHS) supported the intent of this measure. The Office of the Public Defender opposed this bill.

Each year a significant number of children are left unattended in vehicles. Hawaii has had its share of cases in which children are left alone in a vehicle for prolonged periods of time. Unfortunately, the consequences of such an action can be devastating. In 2003, the Center for Disease Control reported that nationwide, between July 2000 and June 2001, an estimated 9,160 non-fatal injuries and 78 fatal injuries occurred as a result of children 14 years old or younger being left unattended in a motor vehicle. Your Committee finds this to be unacceptable and strongly believes that the children of Hawaii must be protected from these senseless acts.

However, your Committee does understand the concern raised by DHS that current law only allows a police officer to assume custody of a child and transfer custody to DHS personnel without a court order or without family consent. Accordingly, your Committee has amended this measure by:

- (1) Requiring firefighters and rescue team personnel to immediately notify a police officer upon removing a child from a vehicle if no officer is present; and
- (2) Clarifying that the police officer will assume custody of the child upon removal of the child from the motor vehicle; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 356, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 356, H.D. 1, and be referred to the Committee on Judiciary.



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



JOSEPH M. SOUKI, Chair



