

Honolulu, Hawaii

MAR 21 2007

RE: H.B. No. 356

H.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Transportation and International Affairs,
to which was referred H.B. No. 356, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT,"

begs leave to report as follows:

The purpose of this measure is to create the offense of
leaving a child unsupervised in a motor vehicle.

Your Committee received testimony in support of this measure
from the Department of Human Services, Honolulu Prosecuting
Attorney, Honolulu Police Department, and Kids In Cars.

This measure would apply to children under the age of nine
who are left alone in a motor vehicle or with a minor under the
age of fifteen.

Your Committee finds that leaving a child alone in a motor
vehicle poses substantial risk of injury or death from suffocation
in a hot parked vehicle and of unintentional kidnapping in the
course of motor vehicle theft. Although parents mean well, the
seemingly innocuous practice of leaving a child in a motor
vehicle, even momentarily, to buy groceries or do banking can have
disastrous consequences. While the car is parked and left
unattended, thieves have been known to steal motor vehicles with
the child still in the car. Incidences have also occurred where a
parent forgets the child in the car, parks the car with the
windows rolled up, and proceeds to work, leaving the child for the
whole day.



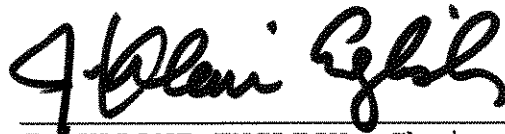
As recently as March 17, 2007, a three-year-old child died after being left alone in a car for more than one and one-half hours while her father visited friends. Your Committee further finds that this tragedy should never have occurred.

Under existing law in section 709-904(2), Hawaii Revised Statutes, a person may be subject to prosecution for the misdemeanor offense of endangering the welfare of a minor in the second degree only if the person knowingly endangered the minor's physical or mental welfare by leaving the minor in the vehicle, thereby violating the legal duty of care or protection owed to the minor. The requirement for a knowing state of mind is difficult for the prosecution to prove a case against the driver. This measure would facilitate the prosecution of these types of cases.

This measure is intended to bring attention to parents and other persons charged with the care and responsibility of minors to never leave the child unattended in the car. The intent of this measure is not to criminalize the behavior, notwithstanding the usage of the terms "offense" and "conviction". Violation of this measure is intended to be a traffic violation subject to fine.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 356, H.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



