



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

Testimony of Linda Smith
Policy Advisor to the Governor

Before the

House Committee on Judiciary

Friday, February 1, 2008
4:00 PM

HB2034

Representative Waters and Members of the Committee:

Chair Waters, thank you for scheduling this measure for hearing. The Office of the Governor supports this measure.

The purpose of this measure is to protect young children from being left unattended in motor vehicles. In light of incidents in Hawaii and around the nation where leaving children unattended in cars have led to tragic consequences, it is time for the State to take action.

According to Kids in Cars, a nonprofit organization leading the charge for legislation on this subject, California, Connecticut, Florida, Illinois, Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Tennessee, Texas, and Washington (12 states) already have laws prohibiting children from being left unattended in motor vehicles. In addition, Kentucky and Missouri have laws that take effect when an injury or death occurs.

The Office of the Governor believes this measure is necessary in order to discourage parents from leaving children unattended in vehicles, and therefore respectfully requests its passage.

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**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

H.B. NO. 2034, RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, February 1, 2008 **TIME:** 4:00 PM

LOCATION: State Capitol Room 325
Deliver to: Committee Clerk, Room 302, 5 copies

TESTIFIER(S): Mark J. Bennett, Attorney General
or Lance M. Goto, Deputy Attorney General

Chair Waters and Members of the Committee:

The Department of the Attorney General supports this measure.

The purpose of this bill is to protect children under the age of nine by making it a violation of the statewide traffic code for motor vehicle operators and adult passengers to leave a child unattended in a motor vehicle for five minutes or more. The bill requires the examiner of drivers to test driver's license applicants for knowledge of this violation and also requires lessors of rental vehicles to display the law regarding this violation in the rental vehicles.

Young children left unattended in a vehicle may be at great risk for injury or death. If mobile inside the vehicle, and able to touch vehicle controls, the children may also pose a great risk of danger to others. This bill addresses a situation with potentially devastating results.

We respectfully request the passage of this measure.

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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 1, 2008

MEMORANDUM

TO: Honorable Tommy Waters, Chair
House Committee on Judiciary

FROM: Lillian B. Koller, Director

SUBJECT: H. B. 2034, RELATING TO UNATTENDED CHILDREN IN MOTOR
VEHICLES

Hearing: Friday, February 1, 2008, 4:00 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of H. B. 2034 is to establish the offense of leaving a child unsupervised in a motor vehicle and enact provisions that would allow law enforcement officers, firefighters and rescue team personnel to remove the unattended child from a motor vehicle and to deliver the child to the custody of child welfare services.

DEPARTMENT'S POSITION: The Department of Human Services appreciates and strongly supports the intent of this bill.

The Department is concerned that this bill defines "unsupervised" as leaving a child in a motor vehicle unaccompanied by a person of at least 12 years of age. This definition is unable to take into account the maturity of a 12 year old child, for example, as would be the case if an infant was left in a motor vehicle with a 12 year old person who has a

House Committee on Judiciary
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February 1, 2008
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developmental delay or other limited cognitive functioning. We suggest deletion of this definition in order to provide law enforcement officers, firefighters and rescue personnel with the maximum ability to respond to an unsafe situation without unnecessary restrictions.

Thank you for this opportunity to testify.

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**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 1, 2008, 4:00 p.m.

H.B. No. 2034: RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES

Chair Waters and Members of the Committee:

This measure would prohibit an adult or minor twelve years or older from leaving a child under the age of nine in a motor vehicle unsupervised. A young child who is killed or is injured as a result of being left unattended in a motor vehicle is a tragedy worthy of public attention and debate. We do not believe however, that such a tragic accident, a result of human error and oversight, should be criminalized.

Last year, there was a highly publicized case where a father left his three-year old child in the back seat of his car. By the time he returned to his car and discovered his child unconscious and unresponsive, it was too late, and the child died as a result of heat exposure. Cases such as these, while very infrequent in the state of Hawaii, garner an immeasurable amount of media attention and public scrutiny.

It has been a common practice among some parents, who while running an errand with their children, to leave them alone in their cars for a short period of time. Some parents decide to leave their children in the car because they are in a rush, or the errand is brief or their child is sleeping. Some errands may be as brief as stopping at the bank to withdraw money from the ATM, or running into the supermarket to pick up a carton of milk. If H.B. 2034 becomes law, such acts, regardless of how long the child is left unattended, or if the car is parked in the shade with the window opened, or if the child is in fact in physical danger or a danger to others, would be punished as a violation. We do not believe that leaving one's child unattended in a car for a few minutes to run to the post office is behavior that this legislature should proscribe.

There currently are other laws, which could be applied, to punish similar but more outrageous behavior. For example, if this same parent had gone to a gambling house or drug house and intentionally left his child in her car for the entire period of time in order to gamble or abuse drugs, she could be charged with manslaughter, for recklessly causing his child's death. If the child did not die, he could be charged with reckless endangering, or even assault in the third degree.

We believe that this bill is an overreaction to a very infrequent event. Prosecuting a parent who has suffered such a tragic accident is like rubbing salt into a wound. This person will suffer from guilt and remorse for the rest of his life. We oppose the passage of H.B. No. 2034

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. Thank you for the opportunity to be heard on this matter.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE TOMMY WATERS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-fourth State Legislature
Regular Session of 2008
State of Hawaii

February 1, 2008

RE: H.B. 2034; RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES
HEARING: Friday, February 1, 2008, 4:00 p.m., Room 325

Good afternoon Chair Waters and members of the House Judiciary Committee, the Department of Prosecuting Attorney submits the following testimony in support of H.B. 2034, Relating to Unattended Children in Motor Vehicles.

The purpose of this bill is to add a new offense of Leaving a Child Unattended in a Motor Vehicle in chapter *291C, Hawaii Revised Statutes (HRS)*. The offense provides that a person is liable when the person leaves a child under age nine in a motor vehicle without being accompanied by a person at least twelve years of age; it is punishable only by a fine similar to those provided in HRS section 291C-161(b). In addition, the bill also requires the driver's license test to specifically test for the applicant's knowledge of this law and mandates that rental car agencies display information about this law.

Under current laws, if a person leaves a minor in a vehicle, the person may be subject to prosecution for the misdemeanor offense of endangering the welfare of a minor in the second degree, HRS section 709-904(2), if and only if the person **knowingly** endangered the minor's physical or mental welfare by leaving the minor in the vehicle and thereby violated a legal duty of care or protection owed to the minor. The "knowing" state of mind requires that the defendant must be aware that it is **practically certain** that his or her conduct will cause the endangering of the minor's physical or mental welfare. This is often difficult to prove.

Creation of this offense would be significantly easier to prove since it would not require proof that the defendant was aware of the risk to the child; all that the prosecution would have to prove is that the person left the minor in the car without the required supervision. Given the number of incidents reported to the police involving unattended minor children whose parents have left them in the car under hazardous conditions, we believe this proposed offense is sorely needed. Unsupervised children under the age of 9, are vulnerable to physical injury due to the considerable potential for danger inherent to motor vehicles. For example, when the outside temperature is 80 degrees F (a common occurrence in Hawaii), the temperature inside a car receiving direct sunlight

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can reach 110 degrees F after 5 minutes. When a child's (or any other person's) body temperature reaches 106 degrees F, he or she can die or suffer permanent disability from heat stroke. Children left unattended in cars have also died from strangulation by a power window, inadvertently knocking a vehicle into gear, carbon monoxide poisoning, falling out of the car and being run over, choking on a toy or being kidnapped. A 2003 Center for Disease Control and Prevention study reports that during July 2000 to June 2001, an estimated 9,160 nonfatal injuries and 78 fatal injuries occurred in children 14 and younger as a result of being left unattended in or around motor vehicles that were not in traffic.

At least one dozen states have now adopted legislation specifically prohibiting leaving children alone in a motor vehicle. It is time for Hawaii to join the ranks of those states that have already acted to promote the safety of children in motorcars through this simple, but effective, means. The nominal fine attached to the violation proposed in this bill will serve as a reasonable reminder to parents, and an effective preventive measure for reducing the potential of this totally avoidable risk to our children.

For this reason, we strongly urge your support for the passage of House Bill 2034. Thank you for your time and consideration.

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**Written Testimony of
Deona Ryan
Chair, Hot Spot**

I want to provide testimony regarding proposed HB 2034 for many reasons. I support HB2034 as a traffic violation, though I feel putting a 5-minute time limit is dangerous. Depending on how 5 minutes is interpreted in the community, a quick response needed to save a child's life could be delayed. I request the 5-minute rule be omitted so quick responses are available to save lives of children.

I am testifying for one child that died in Hawaii in 2004, my daughter, Aslyn Ryan.

Our little girl, Aslyn, died Feb. 7, 2004, at Kapiolani Medical Center, after suffering from hyperthermia from prolonged exposure to extreme environmental conditions in a car while we were stationed in Hawaii.

Our mission now is to prevent other parents and families from the heartache we have suffered. Our hearts still break from her loss. Education and prevention of others is what helps us honor her memory. I ask that you help honor all the children who have died by prevention.

On the morning of Feb. 5, my husband dropped our 1-year-old daughter off for child care at her sitter's house. Our day went the same as it always had, but at 2:30 that afternoon we were called to come to the ER because our child was suffering from respiratory problems. Her temperature was almost 106 degrees when the ambulance arrived at the sitter's house.

I never, as a nurse, could have dreamed what the horror of walking into the ER would be to see a code being performed on my own child.

Over the next 48 hours of her life in the intensive care unit, Aslyn suffered the trauma from this incident. She had multiple strokes and needed continuous blood transfusions from the bleeding in her intestines, kidneys and nose. She suffered many other hypoxic- and hyperthermia-related injuries. A parent's most heart-breaking moment in life has to be having the neurologist tell you your baby was no longer the baby you once knew and the medical staff was only prolonging her death. She struggled to survive, but on Feb. 7, she lost her fight for life. We laid her to rest on Feb. 14, 2004.

The difficulty recovering over the last 4 years was magnified by the fact that that the sitter caring for her that day was never punished nor was she found criminally negligent. Through the investigation, the sitter told many versions of what happened, but the overlying reality and medical evidence pointed to the fact that she left Aslyn in a car, and this outweighed any other story the sitter told. Truth never changes.

The plans my family had had included life with Aslyn. But now time has been filled with educating the community through the Hot Spot Program her father and I founded in Aslyn's memory, and we do whatever we can to educate the community to prevent others from enduring the pain we have to suffer every day. No parent should ever have to feel this pain. No parent should ever feel that there is no justice.

Our program has been to educate the community on the dangers of leaving a child alone in a car can include:

- Heat stroke/death
- Strangulation in a car window
- Injury from being backed over or setting a car in motion
- Abduction by a stranger

In 2007, media reports show that more than 35 children were known to have died across the nation from being left alone in a hot car. This makes hyperthermia the second leading cause of death in children

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following front over/back over injuries. These children have come from all areas of the country, from all parts of society and all racial backgrounds. These numbers do not include those who were left in a hot car and saved just in time, or those who have suffered but have not died as a result of being left in cars.

Many law enforcement personnel and first-responders we work with say they respond to children being left in cars all the time, leading us to believe the numbers are severely underestimated. Our country lacks ICD-9 codes for hospitals to adequately track deaths due to hyperthermia. Police and fire departments across the country add reports of children left unattended in cars into "welfare check" codes or in "children locked in cars" categories making the true number of children impacted difficult to discern.

Nationally only 50 percent of cases where a caregiver or parent has left a child in a car has anyone been charged with a crime.

Most significantly, though, is the simple fact that far too many children have lost their lives to something that is completely preventable. Whether it is accidental or intentional, how can we send a message that this is wrong? Our children are our legacy and we as a nation need to heed the realization that we must protect our future. Children are dying from being left unattended in motor vehicles on warm and hot days, depriving the community of their unrealized potential.

Some of these parents or caregivers have arrived at a store with their baby sleeping in the car seat. Not wanting to awaken the child, they leave them inside the car because they are only going into the store for a **minute**. As they gather what they need in the store, a minute turns into 5 minutes. When they are ready to check out, the checkout line is full, which in turn, turns into another 5 minutes. As they are leaving the store, they run into a friend and talk for another 5 minutes. Now, all of the sudden, the child has been restrained in the hot car for over **15 minutes**.

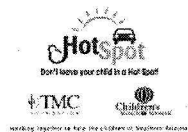
The temperature inside a car can quickly skyrocket. It is a metal box with no air circulation. A child -- or anyone, for that matter -- cannot tolerate it for long. But heat is much more dangerous to children than it is to adults. A child's small size makes it harder for the child to shed heat. When left in a hot vehicle, a young child's core body temperature may increase three to five times faster than that of an adult. This can cause permanent injury or even death in a short amount of time.

On a 100-degree day, a car can reach 124 degrees within 15 minutes. Even on an 89-degree day, a car can reach 108 degrees in 20 minutes. Cracking windows does nothing to help lower the temperature.

Help us with our educational message by making this bill a traffic violation, but please do not pass it with a time period. Our Hot Spot education teaches people to call for assistance immediately when a child is discovered in a car. Help us save the Hawaii keiki by passing a bill that makes this a traffic violation. Send a clear message that this is a preventable injury and that those who violate this law will be held accountable. Send a message of prevention and education. Do not let what happened to Aslyn happen to anyone ever again.

Sincerely,

Deona Ryan
Chair, Hot Spot
9186 E Wolfberry St.
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808-778-0851



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2913 West 113th Street Leawood KS 66211 (913) 327-0013

TO: Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair
Judiciary Committee

FROM: Janette E. Fennell
President/Founder
KIDS AND CARS

DATE: February 1, 2008, 10:00 a.m., Conference Room 325

SUBJECT: **SUPPORT HSCR3-08**
RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES

TEXT OF TESTIMONY

KIDS AND CARS is a national nonprofit organization dedicated to eliminating the common practice of leaving children unattended in motor vehicles and therefore reducing the incidence of injury and death to children. Children are injured or die in Hawaii as a result of being left alone in motor vehicles. These tragedies are truly heart-wrenching; but preventable. We encourage passage of HSCR3-08 because it will save the lives of innocent children.

We worked with Senator Inouye's office in Washington, DC about this very topic last year. We were successful in getting language passed in the Transportation bill that was signed by President Bush in August of 2005. (SAFETEA-LU) The National Highway Traffic Safety Administration (NHTSA) will now be required to collect data about nontraffic incidents. Finally the magnitude of this issue will be known, but we do not need to wait for their reports; we already know this is a significant issue in Hawaii.

Attached is an editorial from the Star Bulletin dated October 22, 2005 entitled "Law needed to keep parents from leaving keiki in vehicles." This article highlights specific incidents that have been reported in Oahu and urges legislators to pass a bill like HSCR3-08 to help protect children. We concur.

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There is a need for a law to raise public awareness about the dangers of leaving children unattended inside motor vehicles. Well-meaning parents and caregivers of all socioeconomic levels leave children alone in automobiles every day for a variety of reasons, but primarily because they are unaware of the dangers associated with leaving them alone. Education alone is not enough to change behaviors associated with this dangerous practice. Through legislation and education the practice of leaving children unattended in motor vehicles can be greatly reduced.

Currently a law enforcement officer only has two choices when they come upon the scene where a child has been left alone in a vehicle. (1) They can find the parent or caregiver and give them a scolding; or (2) Take the children from the parents and put them in child protective services and charge the parent or caregiver with child endangerment or child neglect. In many cases, these two choices are not what is needed. A 'scolding' will probably not change the dangerous behavior and the child endangerment or neglect charge may seem too harsh. We believe that law enforcement officers need another "tool" to prevent children from being left alone in vehicles and that 'tool' is a specific law against this practice. It enables them and the community to educate parents and caregivers to better understand the dangers of leaving children alone and unsupervised in motor vehicles.

Too often, there are serious dangers associated with leaving a young child alone in a car. For example, when the outside temperature is 80° F, the temperature inside a car receiving direct sunlight can reach 110° F after 5 minutes.¹ When a person's body temperature reaches 106° F, he or she can die or suffer permanent disability from heat stroke.² Other children have died from being strangled by a power window, inadvertently knocking a car into gear, carbon monoxide poisoning, falling out of the car and being run over, can choke on a toy or be kidnapped. Also, children have been injured when the car is stolen with them in it. Children taken during the course of a car theft has happened far too often in Hawaii. This diverts precious public resources and puts innocent children in harms way.

HSCR3-08 carries the same philosophy as giving a ticket to someone who does not wear his or her seatbelt. People understand the inherent dangers, but it took legislation to change the dangerous behavior. HSCR3-08 is not meant to be punitive but to promote public education about the serious consequences of this risky behavior. With passage of this bill, information will be given to all new drivers via the Hawaii driver's license exam. This will tell residents that Hawaii is serious about protecting children and will not tolerate this dangerous behavior. HSCR3-08 will also help to empower the public to feel comfortable and confident that they are

¹ Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles, McLaren, Null, Quinn, Pediatrics 2005; 116:109-112

² Heat Related Mortality, Arizona 1993-2002 and United States 1979-2002, Vol 54, NoMM 25;628

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doing the right thing by reporting that innocent young children have been left alone in a vehicle.

Research studies conclude that infants and young children should never be left unattended in a vehicle even if “just for a few minutes.”³ Aside from heat death, a tragedy can occur when the car is stolen while the child is left in the vehicle, from the actions of a young child who places the car into gear, or who plays with the power windows.

Twelve states have already adopted state laws prohibiting the leaving of young children alone in a motor vehicle. These states are California, Connecticut, Florida, Illinois, Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Tennessee, Texas, and Washington. KIDS AND CARS is working with the remaining states interested in passing legislation. The goal is to have a law that specifically addresses the need for prevention and education about this dangerous behavior in every state.

It is time for Hawaii to take effective, reasonable steps to prevent child injuries and deaths from this most preventable life safety risk. HSCR3-08 will provide both the monetary incentive to prevent injuries⁴ as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle. Attached are several articles that speak to the need of this important bill.

A 2003 Centers for Disease Control and Prevention (CDC) study reports that during July 2000-June 2001, an estimated 9,160 nonfatal injuries and 78 fatal injuries occurred in children 14 and younger as a result of being left unattended in or around motor vehicles that were not in traffic. KIDS AND CARS has documented over 1300 child deaths in the US within the last decade because children were left unattended in or around vehicles.

We are hopeful that the heightened public awareness and education that will occur as a result of passage of this bill will serve to save lives and reduce the number of tragic incidents involving children left unattended in vehicles.

KIDS AND CARS urges your support for HSCR3-08.

³ Heat related deaths to young children in parked cars; an analysis of 171 fatalities in the United States, 1995-2002, Guard, Gallagher, Injury Prevention 2005; 11:33-37

⁴ A monetary penalty is important because in reviewing the effectiveness of seat belt laws, it has been found that “no country has achieved sustained belt use rates above 35% without enactment of laws requiring their use.” A publicity or education campaign alone was not effective. 2001 Seat Belt Summit, Automotive Coalition for Traffic Safety, Inc., January 11-13, 2001.

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Vol. 10, Issue 295 - Saturday, October 22, 2005

OUR OPINION

Law needed to keep parents from leaving keiki in vehicles

THE ISSUE

For the fourth time this year, a vehicle with unattended children aboard has been stolen.

FOUR recent incidents involving Oahu children left unsupervised in vehicles fortunately have ended without injury or loss of life. That isn't always the case. Nationwide, at least 106 children have died so far this year in similar circumstances.

A bill to prohibit leaving children unattended in vehicles has failed to win approval in the state Legislature in the past four years. For parents, it might be punishment enough to come back to their cars and find children and vehicles missing, but a law should be enacted to discourage such irresponsible behavior.

Earlier this week, a thief drove off with a minivan in which two boys, ages 1 and 4, were sleeping while their mother stopped at a bank, leaving the key in the ignition and the engine running.

As with the three previous episodes, the woman intended to be gone for just a few minutes and thought nothing could happen in that short a time. She, like all the other parents, was proven wrong.

The minivan and boys were found safe and sound shortly thereafter, as had the others, but law enforcement officials say that the children and parents were extremely lucky.

The danger is not only from car thieves. A car with the engine running is an accident waiting to happen. What if a child inadvertently tampers with the car's controls, or a parent is somehow delayed in returning to the vehicle? Most alarming is the threat from kidnappers.

Despite publicity and warnings from authorities about the risks, some adults still think leaving children by themselves in cars won't end in tragedy.

Most parents would not leave their young children alone at home. A vehicle should be no different. If it will take a law to make them pay attention, one should be put in place.

<http://starbulletin.com/print/2005.php?fr=/2005/10/22/editorial/editorials.html>
Honolulu Star-Bulletin - Honolulu, HI

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Boy, 2, gets truck moving

By LILA FUJIMOTO, Staff Writer Wednesday, February 16, 2005 11:30 AM

LAHAINA – A 2-year-old Lahaina boy who was left alone for a few seconds in a parked pickup truck managed to put the vehicle in gear, causing the truck to move forward and hit a woman and a building, police said.

“He was alone in the truck for maybe five seconds,” said Lahaina patrol Sgt. Ricky Uedoi, who was among officers responding to the 12:46 p.m. accident Monday at Anchor Square. “Within a couple of seconds, the boy somehow managed to get the truck in gear.”

The red Dodge extended-cab truck had been parked in front of Pay Day Hawaii in the business complex on Papalaua Street when the boy’s mother went to an upstairs office to pay a bill, Uedoi said.

He said the boy was in the truck with his father, who took the child out of his car seat in the back after he started crying.

The truck was in the park position with its engine on when the father stepped out to give the mother some money, leaving the boy in the truck, Uedoi said.

He said the father was around the corner, 20 to 25 feet away, when the truck moved forward five to seven feet into the building, hitting an employee from a nearby business who was taking trash to a bin.

The woman was transported by medics to the hospital, Uedoi said.

No customers were in Pay Day Hawaii when the truck rolled into the building, damaging a window and the front door, and blocking the door, Uedoi said.

Matthew Garrett, Anchor Square property manager, said he was waiting for estimates on repairs to the building, which were likely to total at least a couple of thousand dollars.

He said the building was determined to be structurally sound after the crash.

The woman who was hit by the truck suffered a bruised arm but no broken bones, Garrett said.

Uedoi said the boy would have had to press on the brakes to activate the shifter and get the truck into the drive gear.

“That’s the youngest driver I have ever encountered in an accident,” Uedoi said.

Considering the short period that the child was left alone in the car, “This is what you would probably truly consider an accident,” said police Capt. Charles Hirata, commander of the Lahaina Patrol District.

“It underscores the necessity to watch children in unattended vehicles, especially if you have the motor running,” Hirata said. “It also underscores the purpose of keeping them in the car seat.

“You can’t leave kids unattended in cars, even for a second. Things happen. It could have been real tragic.”

■ Lila Fujimoto can be reached at lfujimoto@mauinews.com.

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<http://www.mauinews.com/story.aspx?id=6051>

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Concerned citizens come to rescue of two children left in vehicle

Leslie Wilcox Posted: January 31, 2006 05:52 PM

Four cases last year where a thief stole a car with kids inside prompted lawmakers to consider adding a law to penalize parents who leave children unattended in vehicles. House lawmakers on Tuesday passed the legislation on to a third reading.

A small crowd of concerned citizens gathered at a parked pickup truck on Tuesday to help two infants left locked inside, unattended.

A mother led a group effort to look for the babies' parents and after not finding them in a 10-minute search, she tried to break into the truck.

It was quite a scene in Wahiawa, especially when the driver returned and got angry that people wanted to damage her truck.

A Wahiawa woman had just finished a bank errand when she heard crying. She found two infants unattended in a locked pickup truck.

"So I ran back in the bank and asked if anybody had a truck with two kids in it. Nobody answered so I went to every store here," says Betty Kekua, concerned citizen.

"I could see her frantically going in and out of the stores," says Charlotte Gill, concerned citizen.

Concerned customers and staffers from a line of shops came out.

"That's when I heard the kids screaming in the car, the little ones. At that point you have no appointments on your mind except to get out there and get those kids out of the car," says Chevon Garnett, Mililani resident.

A half-dozen people called police.

"The first thing that came to my mind was I had to open the truck and get the two kids out," says Kekua.

When a store proprietor saw that Kekua wasn't getting anywhere trying to jimmy the lock with a wire, she brought out a hammer. But by then, Kekua had taken a metal rack out of the back of the pickup and was getting ready to bash the window with that.

"As soon as I went to break the window open the lady comes running, 'Hey, hey, what you doing? Put that back.' That's when I started cussing her, telling her, 'How could you leave two babies in there?'" says Kekua.

"All she's saying is she was just gone for a minute, but I think she went in the back and in Longs Drugs," says Helen Esquillo, concerned citizen.

Witnesses said the infants were sweaty and one's face had turned red.

"His face was rushed, he had a lot of blood going to his face, he looked like he was getting ready to swallow his saliva," says Gill.

"She was ready to start the car and pull out. Sister, no, let's take care of the babies first," says Garnett.

"She started apologizing. I told her, 'Don't tell me you're sorry. You should be more sorry to the kids,'" says Kekua.

Turns out the woman was the grandmother of one of the babies, and the other child belongs to a neighbor.

Police did not cite the grandmother. They said they were opening two cases of child endangerment and notifying Child Protective Services.

WEDNESDAY IN KAPOLEI



DENNIS ODA / DODA@STARBULLETIN.COM

Sonia Tabladillo was emotional Wednesday as she hugged son Andrew, almost 2, after reuniting with him and her other son, Kyle James, 4, in Kapolei after her stolen van was found.

SAFE BUT NOT SOUND

The dangerous practice of leaving kids unattended in running cars continues to frustrate police and lawmakers in Hawaii

By Rod Antone

rantone@starbulletin.com

Leaving a child unattended in a running car might be asking for trouble -- but it is not against the law, city prosecutors say.

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So far this year on Oahu, four vehicles with children inside have been stolen -- engines left running while parents ran quick errands.

And despite multiple warnings by police, some parents continue to put their children at risk, with no way to penalize them, authorities say.

State law only applies to those who "knowingly" endanger their children's lives, said Deputy Prosecutor Rom Trader, division chief for the domestic violence unit.

"While certainly it is deplorable that parents would leave their kids in cars like this ... we'd have to be able to demonstrate that they knew for a fact that their child's welfare would be in danger," said Trader. "That presents some difficulty in pursuing that criminally."

Hawaii does not have laws against leaving children unattended in vehicles, but 13 states do, including two that have harsher penalties if the unattended minor is injured or dies.

In California, leaving a child who is 6 years old or younger inside a motor vehicle without supervision -- with the engine running or the vehicle's keys in the ignition -- is punishable with a \$100 fine or mandatory attendance to a community education program that explains the dangers of leaving young children unattended.

Hawaii state Rep. Marilyn Lee (D, Mililani-Mililani-Mauka) said she has tried to get a similar law passed here for the last four years.

"We have worked very hard on it the past four years, and we're not going to give up," she said. "I think it's very important.

"I think perhaps some people are worried that the law is too harsh, but it's a way to educate people and I think that's the bottom line ... because these incidents are really frightening."

The latest incident happened Wednesday in Ewa Beach when Sonia Tabladillo left her two boys, ages 1 and 4, sleeping inside her van while she stopped off at a bank. She left the engine and air conditioner running, with her boys in their child-safety seats. A man got into the van and drove away.

The minivan, its engine still running, and the two boys were found safe at the Kapolei Shopping Center shortly after the vehicle was stolen. Police later arrested a 29-year-old man for suspicion of auto theft and two counts of kidnapping.

Other incidents this year:

» On Aug. 26 a man left his 3-year-old son inside a truck at Carl's Jr. on Nimitz Highway. The truck and child were recovered in Salt Lake.

» On June 22, a woman left her 4-month-old daughter in a pickup truck with the engine running outside a 7-Eleven near Nuuanu Avenue and North Kuakini Street. A DHL delivery driver located the truck and child at a Red Hill church.

» On March 29 a man left his 5-month-old girl inside his parked car with the engine running and went inside the Golden Coin restaurant on Liliha Street to pick up lunch. The car was recovered nearby, parked in a shady area about an hour later with the baby still inside. The suspect in that case, Tema Tanu Tema, pleaded guilty to charges of endangering the welfare of a minor, auto theft and breaking into a car.

Police say parents have been lucky that the children in all the cases were found quickly and unharmed.

But they are frustrated that despite hearing about the dangers over and over again, there are still those who think it is OK to leave their children alone in a running car for even just a minute or two.

"We had one incident six months ago, and now we're up to four. This is very worrisome and frustrating," HPD spokesman Capt. Frank Fujii said. "Community safety is always a paramount concern of ours.

"If enacting a law will enhance awareness to prevent future cases such as these, then we will definitely explore the feasibility," he said.

<http://starbulletin.com/2005/10/21/news/story02.html>

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Calls for Law on Unattended Children in Cars

Another Incident Sparks Renewed Debate

Lisa Kubota Posted: October 20, 2005 05:40 PM

Lawmakers are pushing for new legislation after a thief stole a van with two young children inside. Wednesday's scare was the fourth time this year something like this has happened. Some legislators say parents are not getting the message, and want to make it a crime.

About a dozen states already have laws in place about leaving kids alone in cars. Others, including Hawaii, have proposed similar legislation. Some believe a tough new law is needed to prevent a possible tragedy.

In Wednesday's incident, a thief stole this blue van with two young boys inside while their mother went into a bank.

"We're not interested in punishing the caregiver or the parent, because obviously no one's doing it intentionally, but we definitely need to get people's attention," said Rep. Dennis Arakaki, chair of the House Health Committee.

"If enacting legislation to prevent another case like this from occurring again, then that's definitely something we're gonna have to take a look at," said Capt. Frank Fujii of the Honolulu Police Department.

Lawmakers have unsuccessfully tried to pass legislation on the issue in the past.

"Some people felt that it's already covered under the child endangerment and abuse and neglect statutes, but I think the problem with that is that people have to be intentionally or knowingly commit that crime," explained Arakaki.

Arakaki is now pushing for a law similar to Maryland's, with a \$500 fine for leaving a child under eight years old alone in a car.

"As a parent, I can understand how inconvenient it is to unstrap a child from a safety seat, especially if the child is sleeping, and you think, only a minute, what can happen in a minute?" said Arakaki. "But obviously some bad things can happen."

"I think it's a good idea that they do that because a lot of people do leave their younger children in the car and it's a risk," said Katrina Medina, a mother of three children.

"With having your own child, I'd say a little restriction on parents would be okay," said Irsula Ohia, who has an 18-year-old daughter.

Police said the man arrested on Wednesday, Edmund Stanley, has been charged for unrelated cases including car break-ins, an attempted auto theft and promotion of drugs. Charges for the latest incident are still pending.

If you see a young child alone in a car, police ask that you call 911.

<http://kgmb9.com/kgmb/display.cfm?storyID=6218> KGMB9 - Honolulu, HI

Posted: October 20, 2005 05:42 PM

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State considering Child Endangerment Law

Linda Coble

It's been four times in just the past few months that parents have left their children alone in their cars, only to have a thief make off with the vehicle.

But you may be surprised to learn that it's not illegal in Hawaii to leave youngsters unattended in motor vehicles.

Only nine states have such Child Endangerment Laws.

Hawaii could soon be one of them.

On Wednesday, an Ewa Beach woman left her two boys, ages two and four years old, in the car with the motor running while she ran into the bank. In minutes, a car thief had sped off with the vehicle, kids and all. He was arrested.

"I left the kids inside the van because they were sleeping," says Sonia Tabladillo, mother.

She won't be prosecuted because she did not intentionally, or knowingly, cause serious harm to her child.

That's no excuse in states where they take these unattended child cases to court.

In Maryland, for example, you can't leave a child under the age of eight confined in a motor vehicle unless there's someone 13 or older with the child. If you do, you get fined \$500, or go to jail for 30 days, or both. Eight other states have similar Child Endangerment Laws that hold parents or caretakers accountable.

"The best measure is prevention, and if it takes a sock in the pocketbook to get that message across, I think we should do it," says Representative Dennis Arakaki, Keiki Caucus.

Representative Arakaki is interested in Maryland's law, and will share the idea at the Keiki Caucus Summit Monday, where the public will gather to develop priorities for the next legislative session.

"And hopefully this issue will rise to the top, so it gets the attention it deserves. It's just happening too often, and I think people should be disturbed it is happening," says Representative Arakaki.

Concern is building with the frequency of these cases, and residents we spoke with said the time has come for what the prosecutor's office calls a law against stupidity, coupled with more awareness campaigns.

"You always have to realize you have someone else's life with you, and that comes first, you know, always," says June Zambarrano, Ewa Beach resident.

"I think the sad thing is, I hope they don't have to wait until something happens really bad; when something happens bad to the child, you know," says Gigi Trejo, Ewa Beach resident.

<http://khon.com/khon/displayStory.cfm?storyID=8253>

KHON2 - Honolulu, HI

000056

Friday, August 26, 2005 9:52 PM HST

Truck stolen with child inside

But child is recovered in good condition less than an hour later

Star-Bulletin Staff citydesk@starbulletin.com

Police recovered a gold pickup truck that was stolen tonight with a 3-year-old boy still inside.

A statewide MAILE-AMBER alert was broadcast, sending information on the stolen vehicle and its possible whereabouts over the airwaves, television stations and Internet.

The incident was reported about 8:35 p.m. at 2140 N. Nimitz Highway.

Police Maj. Susan Ballard said the pickup was found at 9:15 p.m. in Salt Lake with the child in apparently good shape.

Ballard said the father went inside the Carl's Jr. to get something to eat but left the keys in the vehicle.

This is the third time in five months that a vehicle was stolen with a baby or young child inside.

In the other two cases, the drivers left their vehicles running with air conditioners on. The babies were recovered uninjured right after the reported thefts of the vehicles.

About 2:27 p.m. June 22, a woman left her 4-month-old baby girl in a gold pickup truck — with the air conditioner on — outside a 7-Eleven near Nuuanu Avenue and North Kuakini Street.

Police said that while the woman was in the convenience store, a heavy-set man in his 20s drove away with the infant in the back seat.

The incident set off the state's first MAILE-AMBER alert.

Less than an hour after the truck was stolen, it was found with the baby still inside in the parking lot of Red Hill's First Assembly of God on Moanalua Road by a DHL delivery driver. The driver had been notified of the alert, along with the company's other drivers, through his dispatcher.

No arrest has been made in that case.

On March 29 a 5-month-old infant was in the back seat of a car running with its air conditioner on outside the Golden Coin restaurant in Liliha.

The vehicle and baby were recovered less than an hour later, not far from the restaurant.

In that case, 26-year-old Tema Tanu Tema is accused of stealing the car.

<http://starbulletin.com/breaking/breaking.php?id=3734>

000057

JUDtestimony

From: Carolyn Fujioka [carolyn.fujioka.atxn@statefarm.com]
Sent: Thursday, January 31, 2008 3:09 PM
To: JUDtestimony
Subject: Testimony HB2034

**Testimony to the House Committee on Judiciary
Conference Room 325, State Capitol
Friday, Feb. 1, 2008 4:00 pm**

RE: House Bill 2034

Chair Waters, Vice Chair Oshiro, and committee members:

I am Carolyn Fujioka, on behalf of State Farm Mutual Automobile Insurance Company, a mutual company owned by its policyholders. State Farm supports House Bill 2034.

State Farm has a long history of committing resources to helping improve auto safety, in particular, its partnership with The Children's Hospital of Philadelphia, the first academic-corporate partnership devoted to the safety of children in motor vehicles.

State Farm strongly supports the bill's provision that young children should never be left unattended in motor vehicles under any circumstances. Although arguments have been raised against legislating "good judgment," other laws such as seat belt and child passenger safety laws have demonstrated the benefits of enacting such public policy. Requiring the law to be included in the driver's examination and rental car companies to provide notice of the prohibition to renters will help raise public awareness of the dangers of leaving a child unattended in a motor vehicle.

Thank you for the opportunity to testify.

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GEORGE FOX

Honolulu, Hawaii 96817

FROM: GEORGE FOX

To: COMMITTEE ON JUDICIARY

RE: HB 2034 RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES

TIME: 4:00 P.m.

PLACE: ROOM 325

State Capitol

Honolulu, HI 96813

COMMITTEE ON JUDICIARY

Rep. Tommy Waters, Chair

Rep. Blake K. Oshiro, Vice Chair

Aloha honorable Chair, Vice chair, and members of the committee,

I am in **STRONG SUPPORT** of HB 2034 relating to unattended children in motor vehicles. I believe that in my 15 years experience testifying for consumers that this is the most important bill I've seen. I would **suggest one small amendment** and this is to add the words "**and elderly person**" after the word "child" throughout the Bill.

I suggest this because when I was a Disabled Parking Enforcement Officer volunteer with HPD I saw many instances where elderly persons were left in closed vehicles while the driver shopped. These vehicles were always parked in disabled stalls. Could it be that the disabled person was along for the ride just so the driver could legally use their parking placard and save a few steps? Please pass out HB2034 with my suggested amendment.

Mahalo,

George Fox

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