

Honolulu, Hawaii

April 8, 2009

RE: S.B. No. 350

S.D. 1

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 350, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO USE OF FORCE,"

begs leave to report as follows:

The purpose of this bill is to further clarify under what circumstances people may defend themselves using deadly force, by:

- (1) Permitting the use of deadly force by the resident of a dwelling against a person not lawfully in the dwelling who uses force against the resident;
- (2) Removing the requirement that a person retreat, if possible, if assaulted by a co-worker; and
- (3) Expanding the exemption from the duty to retreat from the home and workplace to any place where the actor may lawfully be present.

The Office of the Public Defender, National Rifle Association of America - Hawaii Division, Hawaii Rifle Association, and several concerned individuals supported this bill. The Honolulu Police Department, Honolulu Department of the Prosecuting Attorney, and Injury Prevention Advisory Committee opposed this measure.



Your Committee has amended this bill by:

- (1) Deleting provisions permitting the use of deadly force by the resident of a dwelling against a person not lawfully in the dwelling who uses force against the resident; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 350, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 350, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



JON RIKI KARAMATSU, Chair



