



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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March 16, 2011

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 1025, S.D. 1 Relating to the Penal Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 1025, S.D. 1, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The SFC and the HFD urge your committee's support on the passage of S.B. 1025, S.D. 1.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Chair

KGS/LR:cn

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, and Hawai'i, and City & County of Honolulu

TESTIMONY OF DEREK S. K. KAWAKAMI
PRESIDENT, HAWAI'I STATE ASSOCIATION OF COUNTIES

HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
THURSDAY, MARCH 17, 2011, 2010 AT 8:30 A.M.
CONFERENCE ROOM 309, STATE CAPITOL

Senate Bill No. 1025, Senate Draft 1, Relating to the Penal Code;
Firefighters and Water Safety Officers;
HSAC Package

The Honorable Henry J.C. Aquino, House Committee on Public Safety and Military Affairs and
Committee Members:

My name is Derek S. K. Kawakami, and I submit this testimony in my capacity as President of the
Hawai'i State Association of Counties (HSAC).

The Hawai'i State Association of Counties is in support of S.B. 1025, S.D. 1, a measure included in
the 2011 Hawai'i State Association of Counties Legislative Package, which proposes to amend Section
Sections 707-700, 707-712.5, and 707-712.6 of the Hawai'i Revised Statutes to protect firefighters and
water safety officers while performing their job duties. The intent of this legislation is to protect
firefighters and water safety officers from harm, as they may be assaulted by those they assist while
performing their job duties. Firefighters and water safety officers are vital to the health and safety of the
community they serve; whether it may be a resident or visitor, everyone benefits from their services.
When firefighters and water safety officers reach the site of an emergency that is in progress, they must
perform their duties while focusing on their own safety. In certain situations, they must work in difficult
hostile and volatile situations, which often stem from drug abuse or domestic violence cases. Water safety
officers have been confronted from irate members of the public, upset that the water safety officers are
trying to direct them to safer places during high surf or bad conditions. In numerous cases, members of
the public become furious as they feel that the water safety officers have no authority to inform them
where to go and not to go swimming, etc.

Recently in the state of Illinois, a mob of 300 assaulted police and firefighters with fireworks by
aiming fireworks towards them; and in California, a firefighter was assaulted by a suspect who was
arrested for burglary as well as a felony battery of a fireman.

Thank you for this opportunity to submit this testimony.

Mahalo nui loa,

Derek S.K. Kawakami
Derek S.K. Kawakami (4)
HSAC President

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

March 17, 2011

RE: S.B. 1025, S.D. 1; RELATING TO THE PENAL CODE.

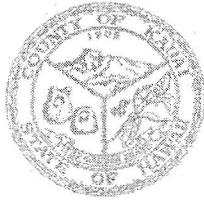
Chair Aquino, Vice-Chair Cullen and members of the House Committee on Public Safety & Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 1025, S.D. 1.

The purpose of S.B. 1025, S.D. 1 is to expand the offenses of assault against a law enforcement officer in the first and second degree, to include assaults against firefighters and water safety officers.

In 2003, HRS 707-712.5 and 707-712.6 were expanded from assault against police officers, to include assault against any and all law enforcement officers, such as police officers, sheriffs, sheriff deputies, department of land and natural resources enforcement officers, and investigators with the department of the attorney general. The Department wholeheartedly believes that firefighters and water safety officers serve an equally important role in ensuring public safety and welfare, and must be permitted to carry out their duties without any unnecessary danger or injury from others.

For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu supports Senate Bill 1025, S.D. 1. Thank you for the opportunity to testify on this matter.

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i

3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

March 15, 2011

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 1025, S.D. 1 Relating to the Penal Code

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support S.B. 1025, S.D. 1, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The SFC and the KFD urge your committee's support on the passage of S.B. 1025, S.D. 1.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

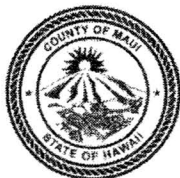
Sincerely,

A handwritten signature in black ink that reads "Robert Westerman".

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919
EMAIL: fire.dept@mauicounty.gov

March 15, 2011

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 1025, S.D. 1 Relating to the Penal Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC support S.B. 1025, S.D. 1, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The MFD and the SFC urge your committee's support on the passage of S.B. 1025, S.D. 1.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

JEFFREY A. MURRAY
Fire Chief

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White

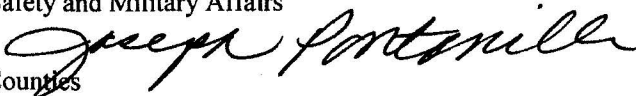


Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 15, 2011

TO: The Honorable Henry J. C. Aquino, Chair
House Committee on Public Safety and Military Affairs

FROM: Joseph Pontanilla, Treasurer 
Hawaii State Association of Counties

SUBJECT: **HEARING OF MARCH 17, 2011; TESTIMONY IN SUPPORT OF SB 1025, SD1,
RELATING TO THE PENAL CODE**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers.

I am aware that the President of the Hawaii State Association of Counties (HSAC) has submitted testimony on behalf of HSAC in support of this measure, which is in the HSAC Legislative Package. As the Treasurer of HSAC, I concur with the testimony submitted by the President, and urge you to support this measure.

Monty Downs, M.D.
President, Kauai Lifeguard Association &
E.R. Physician, Wilcox Hospital
Lihue, Kauai

To: House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair
Hearing on Thursday, March 17, 2011 at 8:30 a.m.

Testimony in Support of S.B. 1025, Senate Draft 1

Dear Chairman Aquino and Honorable Committee Members:

I am writing in support of SB 1025, S.D.1, a Bill which, if passed, will make it a felony to assault a Firefighter or a Water Safety Officer while they are on duty.

This Bill is long overdue, and we all know that similar legislation provides this level of penalty if you assault a Police Officer. Although it's not common for Firefighter and Water Safety Officers who are entrusted with our community's safety to be assaulted while on duty, there are occasional circumstances where their actions and advice offend the people they are trying to help. Our men and women need to feel the publicized protection that this Bill will offer, if passed. I believe that it will help them maximize their ability to focus on the safety issues at hand, while in turn minimizing their having to be concerned for their own protection from, for example, irate would-be swimmers, or from other would-be assailants who are resisting their advice or their actions.

I am sorry that I won't be able to testify in person. I very much appreciate this opportunity to submit this written testimony testify in writing in support of SB 1025, S.D.1.

Respectfully Submitted,



Monty Downs, M.D.
Lihue, HI