

SB 1025

Testimony

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, HAWAII STATE ASSOCIATION OF COUNTIES

SENATE COMMITTEE ON JUDICIARY & LABOR
Thursday, February 10, 2011, 2010 AT 10:15 A.M.
CONFERENCE ROOM 016, STATE CAPITOL

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

The Honorable Clayton Hee, Chair, Senate Committee on Judiciary & Labor and Committee Members:

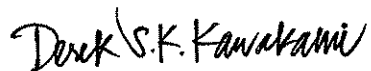
My name is Derek S. K. Kawakami, and I submit this testimony in my capacity as President of the Hawai'i State Association of Counties (HSAC).

The Hawai'i State Association of Counties is in support of S.B. 1025, 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.

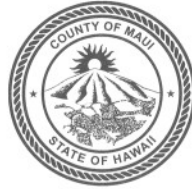
Thank you for this opportunity to submit this testimony.

Mahalo nui loa,



Derek S.K. Kawakami (H)
HSAC President

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

February 8, 2011

The Honorable Clayton Hee, Chair
Committee on Judiciary and Labor
The State Senate
State Capitol, Room 407
Honolulu, Hawaii 96813

Dear Chair Hee:

Subject: S.B. 1025 Relating to the Penal Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire and Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC support S.B. 1025, 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.

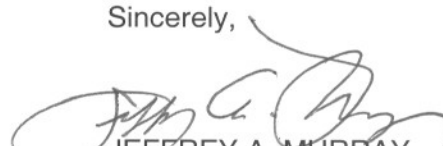
Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance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

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

Sincerely,


JEFFREY A. MURRAY
Fire Chief



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
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Email: dlir.director@hawaii.gov

February 8, 2011

The Honorable Clayton Hee, Chair
Committee on Judiciary and Labor
The State Senate
State Capitol, Room 407
Honolulu, Hawaii 96813

Dear Chair Hee:

Subject: S.B. 1025 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, 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.

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

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

Sincerely,

KENNETH G. SILVA
Chair

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

January 27, 2011

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Joseph Pontanilla, Treasurer 
Hawaii State Association of Counties

SUBJECT: **HEARING OF FEBRUARY 10, 2011; TESTIMONY IN SUPPORT OF SB 1025,
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.

ocs:proj:legis:11legis:11testimony:sb1025_paf11-045a_kcw

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: archie@c4waterman.com
Subject: Testimony for SB1025 on 2/10/2011 10:15:00 AM
Date: Monday, February 07, 2011 2:12:29 PM

Testimony for JDL 2/10/2011 10:15:00 AM SB1025

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Archie Kalepa
Organization: Individual
Address: 1690 wahenohe way lahaina hawaii
Phone: 808-463-7140
E-mail: archie@c4waterman.com
Submitted on: 2/7/2011

Comments:

My Name is Archie Kalepa and I am requesting that the language for SB1025 is changed to include Ocean Safety Officers which is what they are referred to in Maui County. I have worked as a Ocean Safety Officer for nearly 29 yrs and have seen many cases where a Lifeguard was assaulted, including my self. this is an important bill to all Water Safety / Ocean Safety Officers in the state of Hawaii. Please support the men and woman that keep hawaii's ocerans safe.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: samuraidotcom@hotmail.com
Subject: Testimony for SB1025 on 2/10/2011 10:15:00 AM
Date: Monday, February 07, 2011 2:28:23 PM

Testimony for JDL 2/10/2011 10:15:00 AM SB1025

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Cary Kayama
Organization: Maui Ocean Safety Officer
Address: 73 Ihea Pl. Pukalani Hi
Phone: 8088703946
E-mail: samuraidotcom@hotmail.com
Submitted on: 2/7/2011

Comments:

My name is Cary Kayama, and i'm asking to support SB1025. I've been working as a Ocean Safety Officer in Maui County for over 16yrs. We deal with the public in many different situations, and we as Lifeguards become the fallguy to many of the complaints that the public have. since we are on the front line and easy to access.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: zsse808@gmail.com
Subject: Testimony for SB1025 on 2/10/2011 10:15:00 AM
Date: Monday, February 07, 2011 9:41:16 PM

Testimony for JDL 2/10/2011 10:15:00 AM SB1025

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Zach Edlao
Organization: Individual
Address: 237 Kamaha'o Cir. Wailuku, HI.
Phone: 808-357-7203
E-mail: zsse808@gmail.com
Submitted on: 2/7/2011

Comments:

Lifeguards are seen in the public's eye as an equal to Police officers and Firefighters, but yet are not given the same benefits and respect. They put their lives on the line everyday to save a life whom they may not know. Unlike Police and Firefighters, Lifeguards do not know what scenarios await them, they have to respond in an instant with very little time to decide. They also face public confrontations in their line of duty and are sometimes threatened by verbal and physical violence. We need stiffer penalties to hold patrons accountable for acts of violence towards Lifeguards. Their job is the same as Police and Firefighters, public safety. I would like the State of Hawaii to recognize Lifeguards and their profession, and to have penalties for assaulting a Lifeguard be the same as assaulting a Police officer or Firefighter.