

LATE TESTIMONY

Testimony of the Office of the Public Defender, State of Hawaii, to the Senate Committee on Judiciary and Labor

February 23, 2011

S.B. No. 782 SD1: RELATING TO DANGEROUS WEAPONS

Chair Hee and Members of the Committee:

We have concerns about S.B. No. 782 SD1 which seeks to establish a Class C felony offense for constructing or setting off a homemade explosive device. Our concern is regarding the definition of "homemade explosive device." The lines 15 through 17 on page 1 of the definition is very vague. It is unclear when a device would be "capable of instantaneously releasing a sufficient amount of energy to inflict substantial damage to persons or property." The term "substantial damage" is not accompanied by any standards as are the criminal property damage laws which specify dollar amounts of damage. One could argue that a small homemade firecracker which would leave a chip or burn mark on a building would fall under this measure. Would it be the intent of the legislature to punish homemade firecrackers as a Class C felony?

Also, it would seem that H.R.S. § 134-8(a) already covers the conduct addressed in this bill. That section prohibits the manufacture or possession of any explosive and punishes the illegal possession as a Class C felony.

Thank for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 22, 2011 3:17 PM
To: JDLEstimony
Cc: web@cartoonistforchrist.org
Subject: Testimony for SB782 on 2/23/2011 9:00:00 AM

Testimony for JDL 2/23/2011 9:00:00 AM SB782

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Lee McIntosh
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Phone:
E-mail: web@cartoonistforchrist.org
Submitted on: 2/22/2011

Comments:

Mr. Chair and Members of the Committee on Judiciary and Labor:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. My major concern about this bill is that some science experiments and projects might be discouraged because of the uncertain possibility that the projects might be considered to fall under the definition of a homemade explosive device. Thank you for the opportunity to testify on SB 782.