

STAND. COM. REP. NO. 464 -12

Honolulu, Hawaii

Feb 16 , 2012

RE: H.B. No. 2253
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2253 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to improve traffic safety by:

- (1) Creating the offense of resisting an order to stop a motor vehicle in the first degree, which penalizes a driver for refusing to obey a law enforcement officer's direction to stop a motor vehicle when the failure to stop results in serious bodily injury or death to another person;
- (2) Specifying that the offense of resisting an order to stop a motor vehicle in the first degree is a class C felony; and
- (3) Reclassifying the current offense of resisting an order to stop a motor vehicle as a second degree offense and maintaining the penalty for this offense as a misdemeanor.

The Department of Transportation, Department of Public Safety, Honolulu Police Department, Maui Police Department, Hawai'i Police Department, Kauai Police Department, and two concerned individuals testified in support of this measure.

HB2253 HD1 HSCR TRN HMS 2012-2073

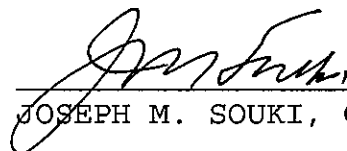


Under current law, it is a misdemeanor offense when a person intentionally fails to obey a law enforcement officer's direction to stop a motor vehicle. This includes instances entailing high speed pursuits where an individual attempting to evade or elude law enforcement officers operates a motor vehicle at high speeds and attempts reckless maneuvers that oftentimes result in the motor vehicle injuring or killing innocent members of the community. Creating an enhanced penalty for intentionally failing to stop a motor vehicle at the direction of a law enforcement officer when that failure to stop results in serious bodily injury or death to another person may act as a deterrent to such behavior.

However, your Committee finds that making the penalty for such an action a class C felony may be extreme, although further discussion should be continued on this matter as this measure proceeds through the legislative process. As such, your Committee has amended this measure by amending the penalty for resisting an order to stop a motor vehicle in the first degree to a misdemeanor to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2253, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR464-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2253	Committee Referral: TRN, JUD	Date: 2/13/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			/
6. LUKE, Sylvia	/			
7. OKAMURA, Tom				
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	10			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				