

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2313  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2313, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RESISTING ARREST,"

begs leave to report as follows:

The purpose of this measure is to safeguard law enforcement and the public by:

- (1) Creating the class C felony offense of resisting arrest in the first degree when an individual intentionally prevents a law enforcement officer from effecting an arrest by removing or attempting to remove a firearm from the law enforcement officer; and
- (2) Changing the name of the misdemeanor offense of "resisting arrest" to "resisting arrest in the second degree".

The Department of Public Safety and Honolulu Police Department testified in support of this measure. The Office of the Public Defender opposed this measure. The Hawaii Government Employees Association commented on this measure.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 7, 2059, to encourage further discussion; and



- (2) Making technical, nonsubstantive amendments 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 H.B. No. 2313, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2313, H.D. 2.

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



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GILBERT KEITH-AGARAN, Chair



