

STAND. COM. REP. NO.

2998

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2751  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 2751, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION,"

begs leave to report as follows:

The purpose and intent of this measure is to implement the Legislature's inherent authority established under article III, section 18, of the Hawaii State Constitution to take action against disorderly or contemptuous behavior committed before a legislative body.

Your Committee received testimony in support of this measure from the House Sergeant-at-Arms and three individuals. Testimony in opposition was received from the Hawaii Citizens for the Separation of State and Church and three individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that this measure is necessary to implement the Legislature's inherent authority, established under article III, section 18, of the Hawaii State Constitution. While instances of contemptuous behavior are rare, your Committee believes that the law needs to be updated to address such possible behavior that can occur at any time.



A member of your Committee is of the opinion that the description of the holding of a United States District Court decision and the recitation of facts of the incident upon which that court decision is based is questionable. Your Committee nonetheless wishes to make clear that this measure does not arise from and is not focused upon that incident or any particular individual.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting language to establish the petty misdemeanor offense of disrespect of a house of the Legislature, on the recommendation of the Attorney General; and
- (2) Changing the effective date to July 1, 2012.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2751, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2751, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Government Operations, and  
Military Affairs,



WILL ESPERO, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>HB 2751, HD 2</b>	Committee Referral: <b>PGM, JDL</b>	Date: <b>3-20-12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)		/		
BAKER, Rosalyn H.	/			
RYAN, Pohai	/	/		
SLOM, Sam	/			
<b>TOTAL</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes