



Office of the Public Defender State of Hawaii



Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary

February 3, 2012, 2:00 p.m.

RE: H.B. 1709: Relating to Offenses Against the Public Order

Chair Keith-Agaran and Members of the Committee:

This measure would create a new offense of aggravated harassment by impersonation. Under this measure, a person would commit the offense of aggravated harassment by impersonation if they commit the offense of harassment by impersonation within five-years of the conviction of a previous offense, or it with the intent to harm, it causes a response by public safety agency personnel.

The Office of the Public Defender opposes H.B. 1709.

The jump from a misdemeanor to a felony is steep. The potential jail time rises from one-year to five-years. The possible fine jumps from two thousand to ten thousand dollars. Rarely does a conviction of a second misdemeanor offense elevate the punishment from a misdemeanor to a felony. For example, abuse of a family or household member is elevated from a misdemeanor offense after the commission of a third offense within two years of a second or subsequent conviction. Operating a vehicle under the influence of an intoxicant is not elevated to a felony offense until the commission of an offense within ten years of three previous convictions.

As for subsection 1(b) of this measure, we fail to understand the need to create a felony offense of harassment by impersonation as it applies to public safety personnel. The misuse of emergency telephone services (Sec. 710-1014.5) is punishable by a year in jail. Perhaps this offense could be amended by including a subsection for the causation of a false alarm via electronic communication.

If this committee is intent of creating a felony offense of harassment by impersonation, we ask that you amend this measure by requiring two prior convictions of the offense within five years.

Thank you for the opportunity to comment on this bill.

Testimony for HB1709 on 2/3/2012 2:00:00 PM

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 1:08 PM
To: JUDtestimony
Cc: kypineisacrook@gmail.com
Attachments: What_Good_Are_New_Laws_Wit~1.pdf (1 MB)

Testimony for JUD 2/3/2012 2:00:00 PM HB1709

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Eric Ryan
Organization: Citizens Against Crooked Politicians
E-mail: kypineisacrook@gmail.com
Submitted on: 2/2/2012

Comments:

Testimony for HB1709 on 2/3/2012 2:00:00 PM

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 1:46 PM

To: JUDtestimony

Cc: toddhairgrove@hotmail.com

Testimony for JUD 2/3/2012 2:00:00 PM HB1709

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Todd Hairgrove

Organization: Individual

E-mail: toddhairgrove@hotmail.com

Submitted on: 2/1/2012

Comments: