



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 15, 2011

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 172 Relating to the Penal Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 172, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The SFC and the HFD urge your committee's support on the passage of H.B. 172.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

KENNETH G. SILVA
Chair

KGS/LR:cn

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, and Hawai'i, and City & County of Honolulu

TESTIMONY OF DEREK S. K. KAWAKAMI
PRESIDENT, HAWAII STATE ASSOCIATION OF COUNTIES

HOUSE COMMITTEES ON PUBLIC SAFETY
& MILITARY AFFAIRS
FEBRUARY 17, 2011 AT 9:00 A.M.
CONFERENCE ROOM 309, STATE CAPITOL

House Bill No. 172, Relating to the Penal Code; Firefighters and
Water Safety Officers; HSAC Package

The Honorable Henry J.C. Aquino, Chair, House Committee on Public Safety & Military Affairs
and Committee Members:


My name is Derek S. K. Kawakami, and I submit this testimony in my capacity as President of the
Hawai'i State Association of Counties (HSAC).

The Hawai'i State Association of Counties is in support of H.B. 172, a measure included in the
2011 Hawai'i State Association of Counties Legislative Package, which proposes to amend Section
Sections 707-700, 707-712.5, and 707-712.6 of the Hawai'i Revised Statutes to protect firefighters and
water safety officers while performing their job duties. The intent of this legislation is to protect
firefighters and water safety officers from harm, as they may be assaulted by those they assist while
performing their job duties. Firefighters and water safety officers are vital to the health and safety of the
community they serve; whether it may be a resident or visitor, everyone benefits from their services.
When firefighters and water safety officers reach the site of an emergency that is in progress, they must
perform their duties while focusing on their own safety. In certain situations, they must work in difficult
hostile and volatile situations, which often stem from drug abuse or domestic violence cases. Water safety
officers have been confronted from irate members of the public, upset that the water safety officers are
trying to direct them to safer places during high surf or bad conditions. In numerous cases, members of
the public become furious as they feel that the water safety officers have no authority to inform them
where to go and not to go swimming, etc.

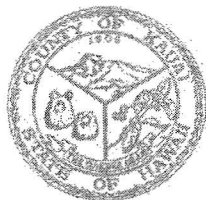
Recently in the state of Illinois, a mob of 300 assaulted police and firefighters with fireworks by
aiming fireworks towards them; and in California, a firefighter was assaulted by a suspect who was
arrested for burglary as well as a felony battery of a fireman.

Thank you for this opportunity to submit this testimony.

Mahalo nui loa,


Derek S.K. Kawakami
HSAC President

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i

3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 15, 2011

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 172 Relating to the Penal Code

I am Robert F. Westerman, member of the State Fire Council (SFC) and Fire Chief of the Kaua'i Fire Department (KFD). The SFC and the KFD support H.B. 172, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The SFC and the KFD urge your committee's support on the passage of S.B. 172.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

Robert F. Westerman
Fire Chief

KGS/LR:cz

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White

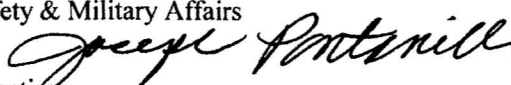


Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 16, 2011

TO: The Honorable Henry J.C. Aquino, Chair
House Committee on Public Safety & Military Affairs

FROM: Joseph Pontanilla, Treasurer 
Hawaii State Association of Counties

SUBJECT: **HEARING OF FEBRUARY 17, 2011; TESTIMONY IN SUPPORT OF HB 172,
RELATING TO THE PENAL CODE**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to protect firefighters and water safety officers while performing their duties by expanding the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers.

I am aware that the President of the Hawaii State Association of Counties (HSAC) has submitted testimony on behalf of HSAC in support of this measure, which is in the HSAC Legislative Package. As the Treasurer of HSAC, I concur with the testimony submitted by the President, and urge you to support this measure.

ocs:proj:legis:11legis:11testimony:hb172_paf11-053a_scj

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 15, 2011 11:10 AM
To: PBMtestimony
Cc: roxanne.kinores-medeiros@mauicounty.gov
Subject: Testimony for HB172 on 2/17/2011 9:00:00 AM

Testimony for PBM 2/17/2011 9:00:00 AM HB172

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Jeffrey Murray
Organization: Maui Fire Department
Address:
Phone:
E-mail: roxanne.kinores-medeiros@mauicounty.gov
Submitted on: 2/15/2011

Comments:

From: Monty Downs, M.D.
President, Kaua'i Lifeguard Association &
E.R. Physician
Wilcox Hospital, Lihue, Kaua'i

To: House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair

TESTIMONY IN SUPPORT OF HB 172
Hearing on 2/17/11 at 9:00 a.m.

Dear Chairman Aquino and Committee Members:

I am writing in support of HB1 172, a Bill which will, if passed, make it a felony to assault a Firefighter or a Water Safety Officer while they are on duty.

This Bill is long overdue, and we all know that a similar law provides this level of penalty if you assault a Police Officer. Although it's not common for Firefighter and Ocean Safety officers who are entrusted with our community health and safety to be assaulted while on duty, there are occasional circumstances where their actions and advice offend the people they are trying to help. Our men and women need to feel the publicized protection that this Bill would offer. I believe that it will help them maximize their ability to focus on the safety issues at hand, while in turn minimizing their having to be concerned for their own protection from, for example, irate would-be swimmers, or from other would-be assailants who are resisting their advice or their actions.

Thank you for this opportunity to testify on behalf of this important bill.

Respectfully Submitted,


Monty Downs

National Association of Reformed Criminals
Andy Botts & Franklin Jackson
1765 Ala Moana Blvd. #1388
Honolulu, Hawaii, 96815
February 17, 2011

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Rep. Henry J.C. Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday February 17, 2011

9:00 AM

Room 309

HB 172 - RELATING TO THE PENAL CODE

OPPOSE

This bill seeks to empower lifeguards and firefighters with police-type protection. This is unnecessary, because everybody loves the fireman. Who do you call when your cat is stuck in the tree? Who do you hate when you get a speeding ticket? In regards to lifeguards – do we want to empower someone who could very well be a black-shorts member?

I am a professional swimmer/surfer and I know that surfing is an aggressive sport at times. However, lifeguards in Huntington Beach act like the Gestapo. Hawaii is mellow in comparison, and empowerment for lifeguards will increase aggression in the ocean. This is Hawaii – not Baywatch – let's keep it that way.

Mahalo,

Andy Botts