

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
JADE BUTAY
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 13, 2012

HB 2253
RELATING TO PUBLIC ORDER

HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation is in support of House Bill No. 2253 as it will provide deterrence to traffic offenders who disregard the police thereby creating a risk of possibly causing injury or death of others on the roadway. There are other states that have enacted this law designed to prevent traffic offenders from disregarding a law enforcements officer's direction to stop. Aside from preventing offenders from fleeing from police, the most important aspect is to prevent injuries or the loss of life of other roadway users.

The Department of Transportation urges the committee to pass House Bill No. 2253 to protect the health and well-being of others from drivers who fail to obey a police officer's order to stop.

Thank you for the opportunity to provide testimony.



NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director of
Administration

JOE W. BOOKER, JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2253
A BILL FOR AN ACT RELATING TO PUBLIC ORDER

By

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Transportation
Representative Joseph M. Souki, Chair
Representative Linda Ichiyama, Vice Chair

Monday, February 13, 2012, 9:00 AM
State Capitol, Room 309

Chair Souki, Vice Chair Ichiyama, and Members of the Committee:

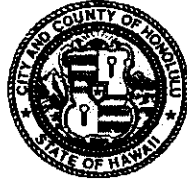
The Department of Public Safety (PSD) supports House Bill 2253 that would make it a Class C felony to fail to obey a law enforcement officer's direction to stop a motor vehicle, resulting in serious bodily injury or death to another person.

House Bill 2253 would increase the penalties in Section 710 of the Hawaii Revised Statutes by adding language to address the seriousness of resisting an order to stop a motor vehicle given by a law enforcement officer. Presently, the charge of resisting an order to stop a motor vehicle under Section 710-1027 is only a misdemeanor regardless if it results in serious bodily injury to another person. The Department feels that the passage of House Bill 2253 would send a strong message to the public and possibly save lives.

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honoluluupd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 13, 2012

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2253, Relating to Public Order

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No. 2253, Relating to Public Order. Passage of this bill would make it a class C felony for anyone who intentionally fails to obey a direction by a law enforcement officer to stop a motor vehicle and results in serious bodily injury or death to another person.

Police pursuits are dangerous and put law enforcement officers and members of the community in danger of serious injury and even death. This bill would protect both law enforcement officers and members of the community. The HPD urges you to pass this bill.

Thank you for the opportunity to testify.

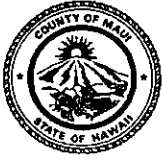
APPROVED:


LOUIS M. KEALOHA
Chief of Police

Sincerely,


KURT KENDRO, Major
Traffic Division

Serving and Protecting With Aloha



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

February 10, 2012

The Honorable Joseph M. Souki, Chair
And Members of the Committee on Transportation
House of Representative
State Capitol
Honolulu, HI 96813

RE: HB No. 2253, RELATING TO PUBLIC ORDER

Dear Chair Souki and Members of the Committee:

The Maui Police Department supports the passage of HB No. 2253. The passage of this bill making it a Class C felony to fail to obey a law enforcement officer's direction to stop a motor vehicle, resulting in serious bodily injury or death to another person, will help to deter offenders from causing these needless dangers to the public on our roadways.

The penalty enhancement will also assist the police and the prosecutors in our State to enforce and seek restitution for victims of offenders from this proposed bill.

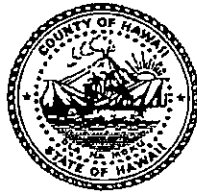
The Maui Police Department asks that you support the passage of HB No. 2253.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 10, 2012

Representative Joseph Souki
Chairperson and Committee Members
Committee on Transportation
415 South Beretania Street, Room 309
Honolulu, Hawai`i 96813

Dear Representative Souki:

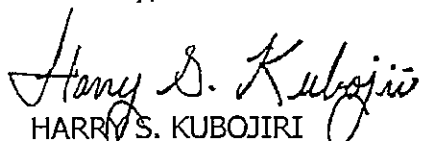
RE: House Bill 2253, Relating To Public Order

The Hawai`i Police Department strongly supports the passage of House Bill 2253, Relating to Public Order. The purpose of this Bill is to make it a Class C Felony for anyone who intentionally fails to obey a direction to stop a motor vehicle by a Law Enforcement Officer and results in serious bodily injury or death to another person.

The Hawai`i Police Department knows that Police pursuits are inherently dangerous and continuously trains its officers to cease pursuits of those individuals who indicate flagrant disregard for the safety of others while attempting to evade/elude Police apprehension. Unfortunately, there are times when even though we cease our apprehension efforts, these individuals will continue with their high speeds and reckless maneuvers which put our untrained/unsuspecting community at risk. Very often these individuals are involved in post pursuit crashes which injure innocent members of our community.

For these reasons, we most emphatically urge the Committee on Transportation to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 2253.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 1:27 AM
To: TRNtestimony
Cc: ewilson@hawaii.rr.com
Subject: Testimony for HB2253 on 2/13/2012 9:00:00 AM
Attachments: HOUSE BILL HB2253 RESISTING AN ORDER TO STOP 2012.docx

Testimony for TRN 2/13/2012 9:00:00 AM HB2253

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: KAPENA WILSON
Organization: Individual
E-mail: ewilson@hawaii.rr.com
Submitted on: 2/13/2012

Comments: attached

I am in support of Bill HB2253, Resisting an Order to Stop a motor vehicle for the following reasons.

I believe that public safety is very important. The public roadways / highways are too congested with vehicles and pedestrians as the population continues to grow. Law Enforcement officers take a risk every day in making critical decisions to pursue or not to pursue. The violator whom chooses not to stop when ordered to do so by a law enforcement authority should be held accountable for their actions. In the county of Kauai, there were over 15 documented vehicular pursuits for the year of 2011. Some of which have involved high speeds. Some of which have involved vehicle accidents. However, currently the Hawaii Revised Statutes law states that the offender will be punishable on with a misdemeanor regardless of the result. The current law does not differentiate if the violator causes injury or death by continuing to evade or resist an order to stop when an officer activates his/her emergency lights and sirens and further more when using a marked police vehicle. It is therefore paramount that this bill be recognized and supported that driving on public roadways / highways is not a right, but a privilege. And to violate this privilege, thus to Resist a lawful order to stop a motor vehicle when ordered to do so, to place the public at risk, and as a result of the violator's actions, the violator causes serious bodily injury or death to a law enforcement officer or a third party, the violator should at least be guilty of a Class C Felony.

As more and more states are enacting laws of felony evading police, Hawaii too must step up to the plate and enact a law making it a felony upon willful evading of police thus resulting with serious bodily injury or death. I cast my vote in support of HB2253.