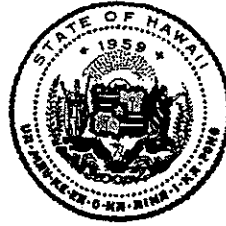


NEIL ABERCROMBIE
GOVERNOR



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 2313
A BILL FOR AN ACT RELATING TO RESISTING ARREST
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair
Representative Ty Cullen, Vice Chair

Thursday, February 16, 2012, 9:00 AM
State Capitol, Room 309

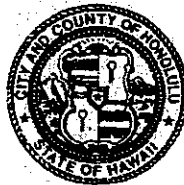
Chair Aquino, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety supports House Bill 2313 that proposes to make resisting arrest in the first degree a felony for attempting to deprive a law enforcement officer of their firearm. House Bill 2313, if passed would make resisting arrest in the first degree a Class C Felony and may act as a deterrent to an individual thinking of resisting arrest by attempting to take a law enforcement officer's weapon. The Department supports this legislation as it will protect our law enforcement officers.

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.honolulu.police.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE LH-NTK

February 16, 2012

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Public Safety and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

Subject: House Bill No. 2313, Relating to Resisting Arrest

I am Captain Lester Hite, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2313, Relating to Resisting Arrest.

Law enforcement officers often encounter criminal suspects who avoid arrest by threatening or using physical force against the police officer to avoid apprehension. In some instances, suspects have grabbed the officer's firearm in an attempt to disarm the police officer.

The Honolulu Police Department believes that attempting to gain control over an officer's firearm is a very serious offense, and the suspect should be charged with a felony in those incidents.

The Honolulu Police Department urges you to support House Bill No. 2313, Relating to Resisting Arrest.

Thank you for the opportunity to testify.

APPROVED

Sincerely,

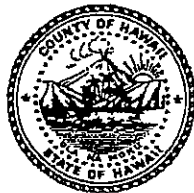
A handwritten signature in cursive script, appearing to read "Louis M. Kealoha".

for LOUIS M. KEALOHA
Chief of Police

A handwritten signature in cursive script, appearing to read "Lester Hite".

LESTER HITE, Captain
Criminal Investigation Division

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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

February 14, 2012

Representative Henry J.C. Aquino
Chairperson and Committee Members
Committee On Public Safety and Military Affairs
415 South Beretania Street, Room 309
Honolulu, Hawai`i 96813

Dear Representative Aquino:

RE: House Bill 2313 Relating to Resisting Arrest

The Hawai`i Police Department strongly supports the passage of House Bill 2313, Relating to Resisting Arrest. The purpose of this Bill is to establish the offense of resisting arrest in the first degree as a felony for anyone who either removes or attempts to remove a firearm from the person of a law enforcement officer who is acting under the color of his authority.

The Hawai`i Police Department is well aware that all law enforcement officers receive detailed training in the facts and circumstances that must be present in order to ensure their use of a firearm is appropriate. The necessary facts and circumstances must not only be in accordance with the applicable statutes but must also take into account the safety of all persons nearby as well. It is our firm belief that anyone who would knowingly attempt to disarm a law enforcement officer who is acting under the color of his/her authority, has already displayed malicious conduct and becomes an immediate threat not only to the officer but to any other persons present. Further, any person based on their own ill-conceived conduct to disarm an officer would thereby place their own life at jeopardy as they would then be viewed as an immediate threat.

For these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 2313.

Sincerely,

A handwritten signature in cursive script that reads "Harry S. Kubojiri".

HARRY S. KUBOJIRI
POLICE CHIEF



888 Mililani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

www.hgea.org

The Twenty-Sixth Legislature, State of Hawaii
House of Representatives
Committee on Public Safety and Military Affairs

Testimony by
Hawaii Government Employees Association
February 16, 2012

H.B. 2313 – Relating to Resisting Arrest

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 2313, which amends Chapter 710, HRS by making the removal or an attempt to remove a firearm from a law enforcement officer a class C felony. The current penal code does not adequately address situations where an offender takes or attempts to take a law enforcement officer's firearm.

The HGEA represents more than 400 law enforcement officers who work as Deputy Sheriffs, Conservation and Resource Enforcement Officers, Harbor Patrol Officers, Narcotics Enforcement Investigators and Investigators with the various County Prosecutors. This type of situation where a suspect attempts to or actually removes a firearm presents a clear danger to law enforcement officers because the gun can discharge killing or seriously wounding the officer or even innocent bystanders.

We agree that elevating the offense for resisting arrest where a person intentionally prevents a law enforcement officer from exercising their official authority by removing or attempting to remove their firearm to a class C felony will serve as a deterrent and create a safer working environment for law enforcement personnel throughout the State of Hawaii.

Thank you for the opportunity to testify in support of H.B. 2313.

Respectfully submitted,

Leiomalama E. Desha
Deputy Executive Director