

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2 entitled:

"A BILL FOR AN ACT RELATING TO SIMULATED FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to include the use of a simulated firearm in the offenses of terroristic threatening in the first degree and robbery in the first degree.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Police Department, City and County of Honolulu; Police Department, County of Hawai'i; and Police Department, County of Maui. Testimony in opposition to this measure was submitted by the Office of the Public Defender and two private individuals.

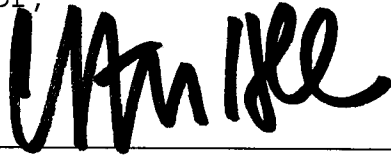
Your Committee finds that simulated firearms are becoming increasingly difficult to discern from real firearms and as a result, simulated firearms are being used to commit serious criminal offenses. The victims in these crimes believe that the weapons are real and are terrorized when threatened with one. The Police Department of the City and County of Honolulu testified that in the last four years, there have been at least thirty-five robbery cases and forty-two cases that amount to terroristic threatening except for the use of a simulated firearm. However, under existing law, if the weapon is not a real firearm, the suspect cannot be charged with the higher offense of robbery in the first degree or terroristic threatening in the first degree and the charges are reduced to misdemeanors. This measure adds



the use of a simulated firearm in the offenses of terroristic threatening in the first degree and robbery in the first degree.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



