

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK W. CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KH-NTK

March 13, 2014

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

Subject: Senate Bill No. 2021, S.D. 1, Relating to Resisting Arrest

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

The Honolulu Police Department supports Senate Bill No. 2021, S.D. 1, Relating to Resisting Arrest.

Police officers face inherent dangers during arrest situations involving violent and combative offenders. The most dangerous arrest situations occur when an offender is armed with a firearm or attempts or manages to forcibly take an officer's firearm, placing police officers, victims, and the general public in jeopardy. Establishing the offense of Resisting Arrest in the First Degree as a class C felony promotes safety for police officers and the public, provides consistent penalties for firearm-related offenses, and serves as a deterrent.

The Honolulu Police Department urges you to support Senate Bill No. 2021, S.D. 1, Relating to Resisting Arrest.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Horikawa", is written over a horizontal line.

KEITH HORIKAWA, Captain
Criminal Investigation Division

APPROVED:

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LOUIS M. KEALOHA
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINAA. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

March 13, 2014

RE: S.B. 2021, S.D. 1; RELATING TO RESISTING ARREST.

Chair Aquino, Vice-Chair Ing, and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in **support** of Senate Bill 2021, S.D. 1.

The purpose of S.B. 2021, S.D. 1, is to create a new offense of resisting arrest in the first degree, where the perpetrator removes or attempts to remove a firearm from the person of a law enforcement officer. The current misdemeanor offense of resisting arrest would then become resisting arrest in the second degree.

The Department agrees that an individual's attempts to resist arrest become exponentially more dangerous for everyone involved, and for the public, where the individual has or attempts to obtain control of a law enforcement officer's firearm. Due to the extreme danger of such a situation--and to strongly discourage such behavior--we agree that this should be a class C felony, and further ask that a conviction for this type of offense be ordered to a mandatory minimum term of imprisonment of 3 years.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 2021, S.D. 1. Thank for you the opportunity to testify on this matter.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2021 SD2

A BILL FOR AN ACT RELATING TO RESISTING ARREST

COMMITTEE ON PUBLIC SAFETY

Rep. Henry J.C. Aquino, Chair

Rep. Kaniela Ing, Vice Chair

Thursday, March 13, 2014, 10:00 AM
State Capitol, Conference Room 309

Honorable Chair Aquino, Vice-Chair Ing, and Members of the Committee on Public Safety, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2021 SD2.

This measure creates the offense of Resisting Arrest in the First Degree as a Class C Felony if the person intentionally prevents a law enforcement officer acting under color of the law enforcement officer's official authority from effecting an arrest by removing or attempting to remove a firearm from the person of a law enforcement officer. Amends the existing Resisting Arrest offense to Resisting Arrest in the Second Degree.

There is an extreme inherent danger when an individual attempts to remove or gain control of a law enforcement officer's firearm. One of the most treacherous arrest situations occur when an offender is armed with a firearm, which places police officers, victims, and the public at risk. Establishing the offense of Resisting Arrest in the First Degree as a Class C Felony promotes safety for police officers and the public, while serving as a sufficient deterrent to discourage such activity by an offender.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 2021 SD2. Thank you for the opportunity to testify on this matter.

Respectfully,

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Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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TESTIMONY IN SUPPORT OF
S.B. NO. 2021, SD1
A BILL FOR AN ACT RELATING TO RESISTING ARREST

Justin F. Kollar, Prosecuting Attorney
County of Kauai

Senate Committee on Public Safety

Tuesday, March 13, 2014
10:00 a.m., Room 309

Honorable Chair Aquino, Vice-Chair Ing, and Committee Members:

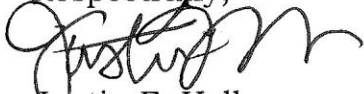
The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in **support** of S.B. 2021, SD1, Relating to Resisting Arrest.

As grounds therefore, we note that this Bill would create an offense of Resisting Arrest in the First Degree, a C felony, for situations in which an arrestee intentionally prevents an arrest by attempting to remove or removing a law enforcement officer's firearm. The current Resisting Arrest offense would be re-classified as Resisting Arrest in the Second Degree. This Office believes that offenses involving the attempted use or use of a firearm are of a degree more serious and vastly more dangerous than ordinary situations of Resisting Arrest, which typically involve active physical resistance but present comparatively less risk to the law enforcement personnel involved.

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For these reasons, we **support** S.B. 2021, SD1 as written. We ask the Committee to **pass** the bill. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar". The signature is stylized and cursive.

Justin F. Kollar
Prosecuting Attorney
County of Kaua'i