

LATE TESTIMONY

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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January 30, 2013

Senator Clayton Hee
Chairperson and Committee Members
Committee On Judiciary and Labor
415 South Beretania Street, Room 016
Honolulu, Hawai`i 96813

Re: Senate Bill 2, Relating to the Simulated Firearms

Dear Senator Hee:

The Hawai`i Police Department supports Senate Bill 2 with its purpose being to treat the use of simulated firearms in the commission of a robbery or in a threatening case similar to that of a real firearm.

Currently, we have had crimes in which a simulated firearm was used as the weapon which caused fear and/or facilitated the criminal act. The simulated firearms of today are such that even an experienced gun owner may not be able to discern the difference, more so, when faced with a simulated firearm during the course of a criminal offense and its attendant heightened level of stress the victim experiences. In these cases, current law does not allow for the suspect to be charged with Robbery in the First Degree or Terroristic Threatening in the First Degree. This has the effect of failing to provide the victims with a true sense of justice to match the true sense of fear that they experienced under the belief that the simulated firearms were indeed real.

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 Senate Bill 2.

Sincerely,

HARRY S. KUBOJIRI
POLICE CHIEF



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

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GARY A. YABUTA
CHIEF OF POLICE

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

January 29, 2013

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
The Senate
Hawaii State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 2, RELATING TO SIMULATED FIREARMS

Dear Chair Hee and Members of the Committee:

The Maui Police Department supports the passage of S.B. No. 2. The passage of this bill will include the use of a simulated firearm in the first-degree for the offenses of terroristic threatening and robbery.

With the proliferation of simulated firearms, police officers are sometimes faced with making split second decisions when these simulated firearms are involved. These firearms can often times be mistaken as being real with tragic results. It is logical to infer that if a trained officer would have difficulty telling these simulated firearms apart, a victim who is not trained at the level of a police officer, would more likely, take these simulated firearms as being real, dangerous, and life threatening.

In summary, with the addition of the wording to the law regarding the use of simulate firearms in offenses of terroristic threatening and robbery, it is our hope that this strengthening of the existing laws will deter offenders to utilize simulated firearms in the commission of their crimes and to properly charge those offenders that use these simulated firearms for the purpose of committing crimes.

The Maui Police Department asks that you support the passage of S.B. No. 2.

Thank you for the opportunity to testify.

Sincerely,

ACD Moten
For GARY A. YABUTA
Chief of Police