

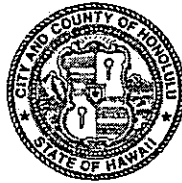
SB 78

RELATING TO RESISTING ARREST.

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.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE LH-NTK

January 31, 2013

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental
and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: Senate Bill No. 78, Relating to Resisting Arrest

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

The Honolulu Police Department supports Senate Bill No. 78, Relating to Resisting Arrest.

This bill seeks to amend section 710-1026, Resisting Arrest, Hawaii Revised Statutes, by creating a first degree (class C felony) and a second degree (misdemeanor) version of the law.

The proposed section, Resisting Arrest in the First Degree, would address those situations in which law enforcement officers engage in a physical struggle with a person and the person grabs hold of the officer's firearm in an attempt to remove the firearm. The Honolulu Police Department believes that this bill would further discourage offenders from resisting the actions of law enforcement officers while the officers are making an arrest.

The Honolulu Police Department urges you to support Senate Bill No. 78, Relating to Resisting Arrest.

Thank you for the opportunity to testify.

Sincerely,

Lester Hite
For

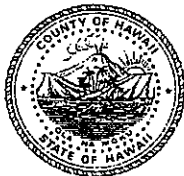
LESTER HITE, Captain
Criminal Investigation Division

APPROVED:

Louis M. Kealo

LOUIS M. KEALOHA
Chief of Police

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 28, 2013

Senator Will Espero
Chairperson and Committee Members
Committee On Public Safety, Intergovernmental and Military Affairs
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Re: Senate Bill 78 Relating To Resisting Arrest


Dear Senator Espero:

The Hawai'i Police Department strongly supports the passage of Senate Bill 78, 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 desire to disarm an officer would thereby place their own life at jeopardy as they would then be viewed as an immediate threat to the safety and well-being of not only the officer but to any other persons in the area.

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 78.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF



Hawaii Rifle Association

State Affiliate of the National Rifle Association

Founded in 1857

January 30, 2013

Testimony on SB78

PSM, Jan 31, 2003, 3pm, Rm 224

IN SUPPORT

Chair, Vice Chair, Members

HRA supports this measure to make snatching law enforcement officer's gun a felony.

Thank you for the opportunity to testify.

Dr. Maxwell Cooper

Legislative Liason

225-6944