

STAND. COM. REP. NO. 2064

Honolulu, Hawaii

FEB 05 2014

RE: S.B. No. 2021

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 2021 entitled:

"A BILL FOR AN ACT RELATING TO RESISTING ARREST,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of resisting arrest in the first degree for a person who intentionally prevents a law enforcement officer from effecting an arrest by either removing or attempting to remove a firearm from the law enforcement officer; and
- (2) Amend the existing resisting arrest misdemeanor offense to resisting arrest in the second 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.

Your Committee finds that law enforcement officers face inherent dangers during arrest situations. For example, when an offender attempts to or succeeds in removing a law enforcement officer's firearm to facilitate an arrest, the public and law enforcement officers are at great risk for serious injury or death. However, Hawaii's existing penal code does not adequately address these dangerous situations. Your Committee finds that



establishing the offense of resisting arrest in the first degree and amending the existing arrest misdemeanor offense to resisting arrest in the second degree will have long-term deterrent effects, as well as create a safer working environment for law enforcement officers and the public.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2021 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



