

STAND. COM. REP. NO.

171

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 78

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

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 78 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 create the
offense of resisting arrest in the first degree as a class C
felony if a 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.

Your Committee received testimony in support of this measure
from the Criminal Investigation Unit of the Honolulu Police
Department, City and County of Honolulu; County of Hawaii Police
Department; and Hawaii Rifle Association.

Your Committee finds that this measure addresses situations
in which law enforcement officers engage in a physical struggle
with an individual and the individual attempts to remove the
officer's firearm. Anyone who would knowingly attempt to disarm a
law enforcement officer who is acting under the color of official
authority has displayed malicious conduct and poses an immediate
threat not only to the officer, but also to other persons in the
area. This measure discourages individuals from resisting the
actions of law enforcement officers while the officers are making
an arrest.



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. 78 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



