

# **SB 2021**

## **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. Amends the existing resisting arrest offense to resisting arrest in the second degree.

PSM, JDL

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515



KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTOR

**THE HONORABLE WILL ESPERO, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai'i**

January 28, 2014

**RE: S.B. 2021; RELATING TO RESISTING ARREST.**

Chair Espero, Vice-Chair Baker, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in **support** of Senate Bill 2021.

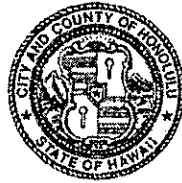
The purpose of S.B. 2021 is to create a new offense of resisting arrest in the first degree, where the perpetrator removes or attempts to remove a firearm from the person of a law enforcement officer. The current offense of resisting arrest would then become second degree.

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 sufficiently discourage such activity--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. Thank for you the opportunity to testify on this matter.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK W. CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE KH-NTK

January 28, 2014

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. 2021, 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, 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, Relating to Resisting Arrest.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Horikawa".

KEITH HORIKAWA, Captain  
Criminal Investigation Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha".

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

349 Kapiolani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

January 28, 2014

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 2021 Relating To Resisting Arrest**

Dear Senator Espero:

The Hawai'i Police Department strongly supports the passage of Senate Bill 2021, 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.

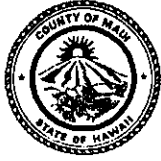
The Hawai'i Police Department is well aware that all law enforcement officers receive detailed training in the facts and circumstances that must be present in order to ensure their use of a firearm is appropriate. The necessary facts and circumstances must not only be in accordance with the applicable 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 all persons present.

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 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira".

PAUL K. FERREIRA  
ACTING POLICE CHIEF



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

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

January 27, 2014

The Honorable Will Espero, Chair  
And Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
The Senate  
State Capitol  
Honolulu, HI 96813

RE: SB No. 2021 – RELATING TO RESISTING ARREST

Dear Chair Espero and Members of the Committee:

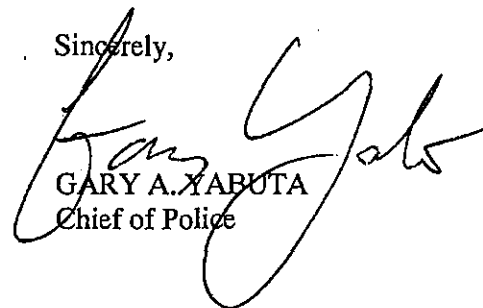
The Maui Police Department supports SB No. 2021, which creates the offense of resisting arrest in the first degree as a class C felony, if the person intentionally prevents a law enforcement officer acting under the color of the law enforcement officer's authority from effecting an arrest by removing or attempting to remove a firearm from the person of a law enforcement officer. This bill also amends the existing resisting arrest offense to resisting arrest in the second degree.

The Maui Police Department believes that the passage of this bill will be an effective deterrent to prevent offenders from attempting to extract an officer's firearm as a means of escape or to elude capture, or harm the officer with his/her own police firearm.

The Maui Police Department strongly supports SB No. 2021.

Thank you for the opportunity to testify.

Sincerely,



GARY A. YABUTA  
Chief of Police