
A BILL FOR AN ACT

RELATING TO POLICE EVASION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's existing
2 penal code does not adequately address situations of police
3 evasion. In the interest of general welfare and safety for
4 citizens and law enforcement, penalties for police evasion in
5 the State require enhanced stringency and broader scope.
6 Fleeing or attempting to elude a police officer in any form
7 should be included in the penal code as an offense and the
8 penalty for doing so should be elevated to a felony, where
9 appropriate. Statutes to this effect can be found in numerous
10 other states, including California, Washington, Illinois, and
11 Virginia. The legislature intends these provisions to serve as
12 deterrents to potentially dangerous and aggressive behavior,
13 creating a safer environment for our communities.

14 The purpose of this Act is to establish the offenses of
15 police evasion in the first and second degrees, separate the
16 existing offense of resisting an order to stop a motor vehicle



1 into first and second degree offenses, and increase the current
2 penalty for resisting arrest.

3 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
4 amended by adding three new sections to be appropriately
5 designated and to read as follows:

6 **"§710- Evading law enforcement in the first degree. (1)**

7 A person commits the offense of evading law enforcement in the
8 first degree if the person intentionally flees from or otherwise
9 attempts to elude a law enforcement officer, acting under color
10 of the law enforcement officer's official authority, by foot,
11 bicycle, moped, or any means other than that detailed in section
12 710-1027, in such a way that endangers the safety of persons or
13 property or causes harm to persons or property.

14 (2) Evading law enforcement in the first degree is a class
15 C felony.

16 **§710- Evading law enforcement in the second degree.**

17 (1) A person commits the offense of evading law enforcement in
18 the second degree if the person intentionally flees from or
19 otherwise attempts to elude a law enforcement officer, acting
20 under color of the law enforcement officer's official authority,



1 by foot, bicycle, moped, or any means other than that detailed
2 in section 710-1027.

3 (2) Evading law enforcement in the second degree is a
4 misdemeanor.

5 §710- Resisting an order to stop a motor vehicle in the
6 first degree. (1) A person commits the offense of resisting an
7 order to stop a motor vehicle in the first degree if the person
8 intentionally fails to obey a direction of a law enforcement
9 officer, acting under color of the law enforcement officer's
10 official authority, to stop the person's vehicle and does so in
11 such a way that endangers the safety of persons or property or
12 causes harm to persons or property.

13 (2) Resisting an order to stop a motor vehicle in the
14 first degree is a class C felony."

15 SECTION 3. Section 710-1026, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§710-1026 Resisting arrest.** (1) A person commits the
18 offense of resisting arrest if the person intentionally prevents
19 a law enforcement officer, acting under color of the law
20 enforcement officer's official authority, from effecting an
21 arrest by:



1 (a) Using or threatening to use physical force against the
2 law enforcement officer or another; or

3 (b) Using any other means creating a substantial risk of
4 causing bodily injury to the law enforcement officer
5 or another.

6 (2) Resisting arrest is a [~~misdemeanor~~] class C felony."

7 SECTION 4. Section 710-1027, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§710-1027 Resisting an order to stop a motor vehicle[-]**
10 **in the second degree**. (1) A person commits the offense of
11 resisting an order to stop a motor vehicle in the second degree
12 if the person intentionally fails to obey a direction of a law
13 enforcement officer, acting under color of the law enforcement
14 officer's official authority, to stop the person's vehicle.

15 (2) Resisting an order to stop a motor vehicle in the
16 second degree is a misdemeanor."

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 7. This Act shall take effect on July 1, 2015.

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H.B. NO. 1447

Report Title:

Law Enforcement; Police Evasion

Description:

Establishes the offenses of evading law enforcement in the first and second degrees. Increases the penalty for resisting arrest. Separates the offense of resisting an order to stop a motor vehicle into first and second degree offenses.

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