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## A BILL FOR AN ACT

RELATING TO RESISTING AN ORDER TO STOP A MOTOR VEHICLE.

**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 in which an  
3 offender, while fleeing in a vehicle from a law enforcement  
4 officer, places another person in danger of being injured or  
5 damages property. Currently, such an offender may be charged  
6 with the offenses of attempted murder, assault in the second  
7 degree, or terroristic threatening in the first degree.  
8 However, the actions in question may not fulfill the elements of  
9 those statutes since the offender's requisite intent to commit  
10 murder, assault, or terroristic threatening or to damage the  
11 property of another may not be demonstrable. Therefore, charges  
12 are often amended or dropped.

13           Officers frequently attempt to make vehicular traffic stops  
14 for many reasons only to find that the offender speeds away,  
15 which may place a person in danger of being injured or place  
16 property in danger of being damaged. Over the past several  
17 years, danger from fleeing motor vehicles has become commonplace



1 for law enforcement officers, offenders, and other people in the  
2 area, because an offender can easily lose control of their  
3 vehicle and injure or kill the persons involved or bystanders.

4 The legislature further finds that elevating the offense of  
5 resisting an order to stop a motor vehicle to a felony will have  
6 a long term deterrent effect, as well as create a safer  
7 environment for working law enforcement officers and the  
8 community.

9 The purpose of this Act is to establish the offense of  
10 resisting an order to stop a motor vehicle in the first degree  
11 as a felony and to reclassify the existing offense to resisting  
12 an order to stop a motor vehicle in the second degree.

13 SECTION 2. Chapter 710, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§710- Resisting an order to stop a motor vehicle in the  
17 first degree. (1) A person commits the offense of resisting an  
18 order to stop a motor vehicle in the first degree if that  
19 person:

20 (a) Intentionally fails to obey a direction of a law  
21 enforcement officer, acting under color of the law



1           enforcement officer's official authority, to stop the  
2           person's vehicle; and

3       (b) Negligently:

4           (i) Places another person in danger of death or  
5           bodily injury;

6           (ii) Causes bodily injury to another person; or

7           (iii) Damages the property of another person.

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

10       SECTION 3. Section 710-1027, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "§710-1027 Resisting an order to stop a motor vehicle[-]

13 in the second degree. (1) A person commits the offense of  
14 resisting an order to stop a motor vehicle in the second degree  
15 if the person intentionally fails to obey a direction of a law  
16 enforcement officer, acting under color of the law enforcement  
17 officer's official authority, to stop the person's vehicle.

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



# H.B. NO. 363

1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect upon its approval.  
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# H.B. NO. 363

**Report Title:**

Penal Code

**Description:**

Establishes the offense of resisting an order to stop a motor vehicle in the first degree as a class C felony and reclassifies the existing offense to resisting an order to stop a motor vehicle in the second degree.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

