
A BILL FOR AN ACT

RELATING TO RESISTING AN ORDER TO STOP A VEHICLE.

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

1 SECTION 1. The legislature finds that existing law in the
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. The offender may be arrested for the offense
6 of attempted murder, assault in the second degree, or
7 terroristic threatening in the first degree. However, the
8 alleged conduct does not fulfill the elements of those offenses,
9 as the offender's intent is not to commit murder, assault, or
10 terroristic threatening or to damage the property of another,
11 which causes the charges to be changed or dropped. Over the
12 past several years, such dangerous encounters have become
13 commonplace.

14 The legislature further finds that creating a new felony
15 offense of resisting an order to stop a motor vehicle provides
16 the prosecution with an additional offense with which to charge
17 an offender fleeing a stop in a motor vehicle.

18 The purpose of this Act is to:



- 1 (1) Establish the offense of resisting an order to stop a
2 motor vehicle in the first degree as a class C felony;
3 and
4 (2) Reclassify the existing offense of resisting an order
5 to stop a motor vehicle, which is a misdemeanor, to
6 resisting an order to stop a motor vehicle in the
7 second degree.

8 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
9 amended by adding a new section to part III to be appropriately
10 designated and to read as follows:

11 **"§710- Resisting an order to stop a motor vehicle in the**
12 **first degree.** (1) A person commits the offense of resisting an
13 order to stop a motor vehicle in the first degree if the person
14 intentionally fails to obey a direction of a law enforcement
15 officer, acting under color of the law enforcement officer's
16 official authority, to stop the person's vehicle and in the
17 process of doing so, the person negligently:

- 18 (a) Places another person in danger of death or bodily
19 injury;
20 (b) Causes bodily injury to another person; or
21 (c) Damages the property of another person.



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

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

5 **"§710-1027 Resisting an order to stop a motor vehicle[-]**
6 **in the second degree.** (1) A person commits the offense of
7 resisting an order to stop a motor vehicle in the second degree
8 if the person intentionally fails to obey a direction of a law
9 enforcement officer, acting under color of the law enforcement
10 officer's official authority, to stop the person's vehicle.

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

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

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

18 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Penal Code; Resisting an Order to Stop a Motor Vehicle

Description:

Creates the offense of resisting an order to stop a motor vehicle in the first degree as a class C felony. Reclassifies the current offense of resisting an order to stop a motor vehicle to resisting an order to stop a motor vehicle in the second degree, a misdemeanor. (SD1)

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

