

JAN 23 2015

A BILL FOR AN ACT

RELATING TO RESISTING ARREST.

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

1 SECTION 1. The purpose of this Act is to establish the
2 offense of resisting arrest in the first degree as a felony and
3 to establish the existing resisting arrest misdemeanor offense
4 as resisting arrest in the second degree.

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

8 "§710- Resisting arrest in the first degree. (1) A
9 person commits the offense of resisting arrest in the first
10 degree if the person intentionally prevents a law enforcement
11 officer acting under color of the law enforcement officer's
12 official authority from effecting an arrest by removing or
13 attempting to remove a firearm from the person of a law
14 enforcement officer.

15 As used in this section, "firearm" has the same meaning as
16 in section 134-1.



1 (2) Resisting arrest in the first degree is a class C
2 felony."

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

5 "**§710-1026 Resisting arrest[-] in the second degree.** (1)

6 A person commits the offense of resisting arrest in the second
7 degree if the person intentionally prevents a law enforcement
8 officer acting under color of the law enforcement officer's
9 official authority from effecting an arrest by:

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

12 (b) Using any other means [~~creating~~] that creates a
13 substantial risk of causing bodily injury to the law
14 enforcement officer or another.

15 (2) Resisting arrest in the second degree is a
16 misdemeanor."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

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 Statutory material to be repealed is bracketed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



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

2

INTRODUCED BY:

~~Scott Anderson~~
Gene W. ...
Mick ...



S.B. NO. 640

Report Title:

Resisting Arrest in the First Degree

Description:

Creates the offense of resisting arrest in the first degree as a class C felony. Amends the existing resisting arrest offense to resisting arrest in the second degree.

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