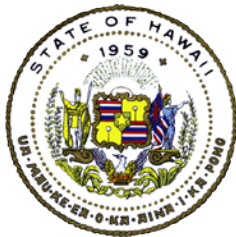


DAVID Y. IGE
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No. _____

TESTIMONY ON SENATE BILL 1335, SENATE DRAFT 2
RELATING TO THE LAW ENFORCEMENT

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, March 27, 2015; 03:00 PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 1335, Senate Draft (SD) 2, Relating to Law Enforcement, which would broaden the definition of “person in custody” in relation to sexual assault in the second and third degree under Hawaii Revised Statutes Section 707- 732.

The PSD welcomes this clarification to current law specifying that anyone stopped by, or under the control of, a law enforcement officer for official purposes is “in custody.” The proposed amendment expands potential situations in which all law enforcement officers would be held accountable for their actions.

Thank you for the opportunity to present this testimony.

March 20, 2015

SUPPORT/COMMENT: SB1335 SD2

Measure Title: RELATING TO LAW ENFORCEMENT.

Report Title: Public Safety; Law Enforcement Officers; Custody;
Sexual Assault in the Second Degree and Third Degree

Description: Defines "person in custody" as used in the offense of sexual assault in the second degree and third degree to mean a person who is stopped by or under the control of a law enforcement officer for official purposes. Effective 01/07/2059. (SD2)

Aloha Legislators,

I am pleased to see a measure that attempts to address the appalling abuses perpetrated, more often than not, by people in positions of trusted authority. It is almost redundant that this measure is required.

As long as the language "For purposes of this subsection, remains in place; to insure there will be no loophole created or unintended consequence that would broaden the definition of "person in custody" to extend to ordinary traffic stops (where sexual assault is NOT a factor).

By not doing so, this would only create an environment of more civil rights violations against citizens if, for instance, a simple request for ID, traffic stop, etc. would imply "person in custody".

Thank you for allowing me the opportunity to provide comment and support.

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: