

Honolulu, Hawaii

March 2, 2017

RE: H.B. No. 461

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 461 entitled:

"A BILL FOR AN ACT RELATING TO RESISTING ARREST,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the offense of resisting arrest in the first degree for intentionally preventing a law enforcement officer from effecting an arrest by removing or attempting to remove the officer's firearm;
- (2) Establish the foregoing offense as a class C felony; and
- (3) Reclassify the existing resisting arrest misdemeanor offense as resisting arrest in the second degree.

The Honolulu Police Department, Hawaii Police Department, and an individual supported this measure. The Office of the Public Defender opposed this measure.

Your Committee has amended this measure by clarifying that a person commits the offense of resisting arrest in the first degree if the person intentionally or knowingly uses or attempts to use



force to remove a firearm from the person of a law enforcement officer.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 461, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 461, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



