

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515



KEITH M. KANESHIRO
PROSECUTING ATTORNEY

CHRISTOPHER D.W. YOUNG
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawai`i

January 31, 2017

RE: S.B. 324; RELATING TO ABUSE CRIMES.

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of the intent with concerns.

The purpose of S.B. 324 is to protect individuals who are the victims of negligent or reckless conduct when operating a vehicle. Although our Department supports the intent of this bill, the proposed amendment appears to be duplicative. Currently, manslaughter, section 707-702(a) of the Hawaii Revised Statutes addresses this type of conduct when committed with or without a vehicle:

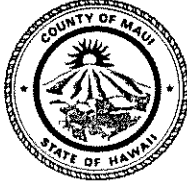
707-702 – Manslaughter – (1) A person commits the offense of manslaughter if:

- (a) **A person recklessly causes the death of another person;** or
- (b) The person intentionally causes another person to commit suicide.

Thus, S.B. 324 appears to create an identical charge, with the additional element of committing the offense when operating a vehicle. In addition, manslaughter is classified as a class A felony, whereas the proposed amendment would be for a class C felony. Nevertheless, if the Legislature believes the proposed amendment is necessary, our Department would urge this Committee to make a similar amendment to 707-702.5(a), to ensure consistency between the different degrees of this offense.

For all of the foregoing reasons, the Department of the Prosecuting Attorney, City and County of Honolulu supports the intent of S.B. 324, with the concerns noted. Thank for you the opportunity to testify on this matter.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD K. MINATOYA
Deputy Prosecuting Attorney
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
SB 324 - RELATING TO CRIMES

January 31, 2017

The Honorable Gilbert S.C. Keith-Agaran
Chair
The Honorable Karl Rhoads
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui strongly opposes SB 324. This measure adds operating a vehicle in a reckless manner to the offense of negligent homicide in the second degree.

Currently, reckless operation of a vehicle resulting in death falls under Manslaughter, a class A felony. This bill will decrease the level of the offense to only a class C felony. This will seriously undermine traffic safety efforts, and make safe and prudent operation of vehicles on our roadways less important.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this measure be HELD.

Thank you very much for the opportunity to testify.