

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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WO-KK

February 5, 2018

The Honorable Josh Green, Chair
and Members
Committee on Human Services
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 16
Honolulu, Hawaii 96813

Dear Chair Green and Members:

SUBJECT: Senate Bill No. 2605, Relating to Assault Against a Child in a Child Care Facility

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 2605, Relating to Assault Against a Child in a Child Care Facility.

While the HPD supports the intent of Senate Bill No. 2605, which is to hold the person(s) charged with operating or maintaining a child care facility accountable for the wellbeing of a child while in their care, the bill as currently written is unenforceable and contrary to the rule of law.

The basic tenant of an assault prosecution is that the infliction of injuries must be tied to a specific person or persons with a state of mind of "reckless" at a minimum. As written, this bill would attempt to assign criminal responsibility at the felony level to a child care facility operator or someone who maintains a child care facility for a child who suffers "illness," pain, or a physical impairment while in their care irrespective of who caused the ailment. This would be more consistent with the lesser state of mind of "negligent," which is currently not associated with the offense of assault.

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The HPD respectfully opposes Senate Bill No. 2605, Relating to Assault Against a Child in a Child Care Facility.

Thank you for the opportunity to testify.

Sincerely,



Walter Ozeki, Captain
Criminal Investigation Division

APPROVED:



Susan Ballard
Chief of Police

SB-2605

Submitted on: 2/1/2018 10:59:22 AM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments: