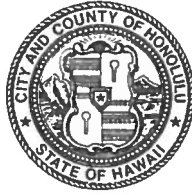


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

GB-KK

OUR REFERENCE

January 31, 2020

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 414
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 2091, Relating to Offenses Against Public Order

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

The HPD opposes Senate Bill No. 2091, Relating to Offenses Against Public Order.

This bill is a duplicate of several laws already in place that protect the public. The offenses in the bill include: Assault in the Third Degree, Terroristic Threatening in the Second Degree, Sexual Assault in the Fourth Degree, Criminal Property Damage in the Third and Fourth Degrees, Theft in the Third and Fourth Degrees, Arson in the Fourth Degree, Disorderly Conduct, and Harassment. However, this bill defines that any of these offenses, which all are classified as petty misdemeanor and misdemeanor offenses, would be reclassified as a felony offense if committed on a public transit vehicle.

It is the opinion of the HPD that the current laws in place provide adequate protection to the public who utilize public transportation and these types of crimes do not require a drastic increase from their current grade of petty misdemeanors and misdemeanors to felonies.

The HPD urges you to oppose Senate Bill No. 2091, Relating to Offenses Against Public Order.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

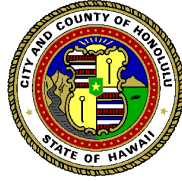
A handwritten signature in cursive script that reads "Gail Beckley".

Gail Beckley, Captain
Criminal Investigation Division

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



WES FRYSZTACKI
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DEPUTY DIRECTOR

TESTIMONY TO THE
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS (PSM)

JANUARY 31, 2020
1:15 PM

**IN SUPPORT OF
SB 2091 – RELATING TO OFFENSES AGAINST PUBLIC ORDER**

Dear Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Department of Transportation Services is in strong support this measure; it is part of the City and County of Honolulu's 2020 legislative package.

This measure seeks to protect public transit riders by establishing that certain offenses that otherwise are considered misdemeanors or petty misdemeanors are class C felonies when occurring on public transit vehicles or in public transit facilities.

In reviewing the crimes reported on Honolulu's buses from 2017 to date, there were 618 incidents; 275 events were reported to or involved the Honolulu Police Department and 52 involved an arrest. Based on the facts recorded about these incidents, we surmise that there is at least one incident in nine of the eleven categories of offenses listed in this bill. The City's growing multimodal transit network includes TheBus and TheHandi-Van, and soon will include rail and rail stations. It is essential to ensure these spaces onboard vehicles and in passenger facilities are safe and secure. Any criminal intent or action onboard a vehicle or in transit-related spaces has the potential to cause harm and injury to large numbers of people.

As multimodal operations and facilities grow and proliferate with increased ridership, urban density, and transit-oriented development, forward-thinking legislation to hold these vehicles, modes, and places safe is a responsible step.

Thank you for consideration of this measure and for the opportunity to provide this testimony.

ROBERT K. MERCER

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Honolulu, Hawai'i 96821

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email: mercer001@hawaii.rr.com

January 30, 2020

TO: Senate Committee on Public Safety, Intergovernmental, and Military Affairs

RE: SB2091

HEARING: January 31, 2020

TIME: 1:15

ROOM: 414

POSITION: Oppose

Chair Nishihara, Vice Chair Wakai, and members of the committee:

SB2091 seeks to take a series of very low-level offenses that are currently classified as violations, petty misdemeanors, or misdemeanors, and convert them to a Class C felony if the offense occurs on a public transit vehicle or at or within a public transit facility. A class C felony is punishable by up to 5 years in prison and fine of up to \$10,000.

I strongly oppose SB2091. The offenses listed in SB2091 are relatively minor and are appropriately classified as misdemeanors, petty misdemeanors, or violations. A five-year prison sentence for any of these offenses would be disproportionate and unjust under any circumstances. I also believe that it is bad public policy to upgrade offenses based on where they occur, with the exception of in or around schools.

Thank you for allowing me to testify on SB2091,