

JAN 19 2022

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# A BILL FOR AN ACT

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RELATING TO TRAFFIC VIOLATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that section 291C-172,  
2       Hawaii Revised Statutes, "[r]efusal to provide identification",  
3       does not adequately address situations in which the violator of  
4       a traffic law is stopped by a police officer and refuses to  
5       provide any personal identifying information, or provides  
6       obviously false information. Currently, this section only  
7       allows a law enforcement officer to issue a citation for this  
8       violation. However, if the violator is not providing the  
9       officer with their identifying information, a citation cannot be  
10      issued, making this law impractical. This impracticality  
11      hinders law enforcement in the performance of the critical duty  
12      of traffic enforcement, especially in relation to pedestrians or  
13      bicycles. It is critical that police officers have the option  
14      to arrest a violator of section 291C-172 when the person refuses  
15      to identify themselves, as a deterrent to this type of behavior.

16      The legislature further finds that section 291C-23, Hawaii  
17      Revised Statutes, "[o]bedience to police officers", covers



1 similar traffic situations in which a person willfully fails or  
2 refuses to comply with any lawful order or direction of a police  
3 officer who is controlling traffic. Violating section 291C-23  
4 is a petty misdemeanor.

5 Accordingly, the purpose of this Act is to amend section  
6 291C-172, Hawaii Revised Statutes, to change the penalty for  
7 violation of this section from a traffic infraction to a petty  
8 misdemeanor. This adjustment will allow a functional  
9 progression for officers to follow in the event a traffic law  
10 violator refuses to provide a police officer with their  
11 information.

12 SECTION 2. Section 291C-172, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§291C-172 Refusal to provide identification.** (a) Except  
15 as provided in subsection (b), any person detained for a  
16 violation of this chapter shall provide the person's name and  
17 address~~[, or]~~, and any proof thereof, ~~[or both,]~~ upon the lawful  
18 order or direction of any police officer in the course and scope  
19 of the officer's duties pursuant to this chapter.

20 (b) A pedestrian who is detained for violating part VII of  
21 this chapter shall provide the person's name and address upon



1 the lawful order or direction of a police officer in the course  
2 and scope of the officer's duties. If the officer has  
3 reasonable grounds to believe that the person is being deceptive  
4 or misleading in providing the person's name and address, the  
5 person shall provide such proof thereof, upon the lawful order  
6 or direction of the police officer.

7 (c) Refusal to provide identification is a petty  
8 misdemeanor."

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Mark D. Hill*

By Request



# S.B. NO. 2117

**Report Title:**

Honolulu Police Department Package; Traffic Code; Refusal to Provide Information

**Description:**

Specifies that refusing to provide identifying information to a police officer when being detained for a traffic offense is a petty misdemeanor.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

