

STAND. COM. REP. NO.

350

Honolulu, Hawaii

FEB 17 , 2021

RE: H.B. No. 534
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred H.B. No. 534 entitled:

"A BILL FOR AN ACT RELATING TO USE OF FORCE IN SELF-PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the circumstances when a person using deadly force has no duty to retreat and has the right to stand their ground; and
- (2) Repeal statutory language that permits a person to use deadly force at a person's place of work in some circumstances.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Community Alliance on Prisons, Common Cause Hawaii, Hawaii Firearms Coalition, Honolulu County Republican Party, National Rifle Association, and numerous individuals. Your Committee received comments on this measure from the Department of the Attorney General.

2021-1202 HB534 HD1 HSCR HMSO-1



Your Committee finds that residents have been diligently staying at home in order to reduce the amount of coronavirus cases in the State. However, as a result, the State's economy is suffering, leading to an increase in economic hardships for residents. Your Committee further finds that there is a correlation between the worsening economy and an increase in crime in the State, especially violent crimes. Your Committee believes that residents should be allowed to defend themselves and their families.

Your Committee notes the numerous testifiers requesting for the adoption of House Bill No. 711, Regular Session of 2021, another measure relating to the use of force for self-defense, that better addresses the concern of a person being able to use force to defend themselves, their families, or their property. Your Committee concludes that the language in House Bill No. 711, Regular Session of 2021, is preferable because it provides more opportunities for self-defense.

Accordingly, your Committee has amended this measure by:

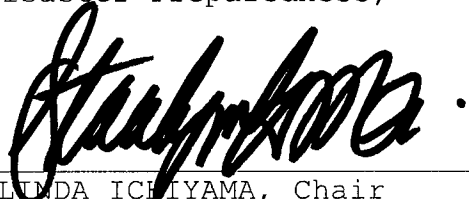
- (1) Deleting its contents and inserting the contents of House Bill No. 711, Regular Session of 2021, which:
 - (A) Authorizes the use of deadly force if it is necessary to defend oneself, one's legally occupied dwelling or motor vehicle, or another person, under certain circumstances;
 - (B) Clarifies when there is no duty for a victim to retreat;
 - (C) Repeals existing language regarding unjustifiable use of force and specifies that the use of force is not justifiable when resisting a law enforcement officer or when a private person is assisting a law enforcement officer; and
 - (D) Provides immunity from criminal prosecution and civil action for the use of force when used in certain situations; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 534, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 534, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Pandemic &
Disaster Preparedness,


for LINDA ICHIYAMA, Chair



