

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

April 1, 2022

H.B. No. 1453 HD1: RELATING TO TRAFFIC VIOLATIONS

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender respectfully opposes H.B. No. 1453 HD1, which criminalizes the refusal to provide identifying information to a police officer when detained for a traffic offense by elevating it from a violation to a petty misdemeanor. This measure also requires any person detained for a violation of HRS Chapter 291C to provide the person’s name and address, *and any proof thereof*. The problem, however, is that many people, especially our homeless, will be unable to provide proof of identification for the simple reason that they do not possess any form of identification. This change serves no legitimate purpose other than to give law enforcement additional powers to arrest people they deem as non-compliant when many people are unable to produce proof of identification.

Requiring a person to provide proof of identification is troublesome inasmuch as not every pedestrian or bicyclist carries identification, and it would be absurd to require them to do so. Certainly, *many of our homeless cannot provide proof of identification for the simple reason that they do not possess any form of identification*. This Orwellian requirement is truly disconcerting, because it is frighteningly reminiscent of 1940’s authoritarian states where citizens were expected to present “papers” in order to move freely upon the streets. While a citizen may be temporarily detained under suspicion of a traffic related offense, by not engaging with law enforcement and providing documentation, they will now be arrested and charged with a petty misdemeanor when the original purpose of the stop was to issue a mere infraction or violation. What starts as a citation becomes an arrestable offense for which the citizen suddenly finds himself/herself in handcuffs on the way to the police station.

Criminalization of the poor and the homeless

This measure is another attempt to criminalize poverty and homelessness. As previously stated, many of our homeless cannot provide proof of identification as they do not possess any form of identification. It is not difficult to imagine how

perilous and unpredictable life can be on the street. Personal belongings, including forms of identification, are often lost, misplaced, or stolen. The majority of these individuals are not on the streets by choice. Many are unemployed, suffering from alcohol or drug abuse, or mentally ill. Homelessness poses a much larger problems with which our community must come to terms. Before we criminalize their inability to provide proof of identification, we as a society must provide alternative housing for these individuals. Those who cannot or will not provide proof of identification should not be arrested and be subjected to thirty days of jail for initially being detained for a minor traffic violation.

This measure can also be misused by law enforcement to conduct pretextual arrests and searches. Police will be authorized and justified to arrest and search an uncooperative individual for committing a minor infraction (e.g., jaywalking) merely because the individual is unable to provide proper identification.

Unconstitutionally Vague

Charging and arresting an individual under this measure may be deemed unconstitutionally vague on its face within the meaning of the due process clause of the fourteenth amendment of the U.S. Constitution and article I, § 5 of the Hawai'i Constitution.

In Kolender v. Lawson, 461 U.S. 352 (1983), Lawson, after being detained or arrested fifteen times for California Penal Code (CPC) § 647(e), which required persons who loiter or wander on the streets to identify themselves and account for their presence when requested by a police officer to do so, challenged the constitutionality of the statute. CPC § 647(e) was interpreted by the California appellate courts to require the individual provide a “credible and reliable” identification that carries a reasonable assurance of its authenticity and that provides a means for later getting in touch with the person who has identified himself.

The U.S. Supreme Court found that the statute contained no standard for determining what a suspect must do in order to satisfy the requirement to provide a credible and reliable identification. Consequently, the Court concluded that the statute failed to clarify what is contemplated by the requirement that a suspect provide a “credible and reliable” identification. As such, the statute vested virtually complete discretion in the hands of the police to determine whether the suspect has satisfied the statute. Thus, the Court concluded that § 647(e) *was unconstitutionally vague on its face* because it encouraged arbitrary enforcement by failing to describe with sufficient particularity what a suspect must do in order to satisfy the statute.

Similar to California Penal Code § 647(e), HRS § 291C-172 fails to describe with sufficient particularity as to what is contemplated by the requirement, “proof of identification.”

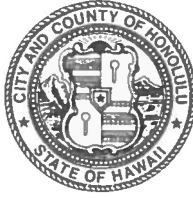
Comparison to HRS § 291C-23

Proponents of this measure justify criminalizing HRS § 291C-172 by analogizing this measure to HRS § 291C-23. This argument has no merit. Under HRS § 291C-23, a person commits the offense when the person willfully fails or refuses to comply with any lawful order or direction of a police officer authorized by law to direct, control, or regulate traffic. The purpose of HRS § 291C-23 is to promote public safety. Failure to comply with an officer’s order in traffic situations may endanger not only the driver but the general public. Failure to follow an officer’s order directing traffic in a crowd situation (such as a demonstration, an event, or a parade) compromises the safety of the attendees. Failure to abide by an officer directing traffic at an accident scene risks the lives of the police and first responders. ***HRS § 291C-172, however, has no such “higher” purpose.*** The purpose of HRS § 291C-172 is to simply make it easier for the police to turn a mere traffic infraction into a criminal jailable offense.

Thank you for the opportunity to comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **BO-BO**

April 1, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1453, H.D. 1, Relating to Traffic Violations

I am Bradon Ogata, Captain of the Legislative Liaison Office of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports the passage of House Bill No. 1453, H.D. 1, Relating to Traffic Violations.

Section 291C-172 of the Hawaii Revised Statutes does not adequately address situations in which violators of traffic laws are stopped by police officers and refuse to provide their personal identifying information. The requirement to issue a citation for this offense is not practical when the violator refuses to provide the information required for a citation. By providing the option to arrest, this bill will create a functional progression for law enforcement officers to follow when violators of the traffic code refuse to provide their identifying information.

The HPD supports the passage of House Bill No. 1453, H.D. 1, Relating to Traffic Violations.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Rade K. Vanic
Interim Chief of Police


Bradon Ogata, Captain
Legislative Liaison Office



Hawai'i

Committee: Senate Committee on Judiciary
Hearing Date/Time: Friday, April 1, 2022 at 9:30am
Place: Conference Room 016 and Via Videoconference

***Testimony of the ACLU of Hawai'i in opposition to HB 1453, HD1
Relating to Traffic Violations***

Dear Chair Rhoads, Vice Chair Keohokalole and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") opposes HB1453, HD1 which would criminalize people for refusing to provide identifying information to a police officer when detained for a traffic offense, and elevating this offense to a petty misdemeanor.

In Hawai'i, a petty misdemeanor is **punishable by up to 30 days in jail and a fine of up to \$1,000.**

On its face, **this bill invites a legal challenge.**¹ This proposed measure is unconstitutionally vague and may be deemed a violation of the due process clause of the Fourteenth Amendment of the U.S. Constitution and article I, section 5 of the Hawai'i Constitution.

This bill is also unnecessary and harmful. It will **exacerbate racial and wealth disparities within policing practices,² and disparately impact people leaving our jails and prisons** – many of whom leave without civil identification due to the State's failure to comply with Hawai'i law.

Since 2017, the Department of Public Safety (PSD) has been statutorily mandated to provide effective and comprehensive reentry planning and to issue civil identification documents to people exiting jails and prisons. Under Hawai'i Revised Statutes section 353-H, DPS "shall issue civil identification cards" for people who are imminently reentering society.³ Additionally, DPS "shall assist" people in "obtain[ing] the inmate's birth certificate, social security card and any other relevant identification documents necessary for the inmate to transition into the workforce."⁴

¹ See *Kolender v. Lawson*, 461 U.S. 352 (1983)(The U.S. Supreme Court held that the California Penal Code contained no standard for determining what a suspect must do in order to satisfy the requirement to provide a credible and reliable" identification).

² https://www.acluhi.org/sites/default/files/field_documents/06.05.20_-_aclu_letter_to_hpd_re_discriminatory_policing.pdf

³ Haw. Rev. Stat. section 353H-32.

⁴ *Id.*

More than five years later, PSD has failed to meet this mandate, both for people leaving jails and prisons. **According to PSD' own Reentry Coordination Office, between October 2018 and November 2019, more than half (56 percent) of people exiting jails and nearly as many (46 percent) exiting prison statewide left without state identification cards.**⁵

The failure to provide identification documents to incarcerated and returning individuals to our community is putting already vulnerable people at further risk of harm during the present pandemic by leaving individuals more susceptible to housing and economic insecurity. **Under the proposed measure, returning community members will also face the risk of a new conviction – a petty misdemeanor for failing to provide their “name and address and any proof thereof upon the lawful order or direction of any police officer in the course and scope of the officers’ duties pursuant to this chapter.”**

This bill would also disparately impact houseless people who have had their personal property including civil identification documents confiscated during houseless sweeps.

No data has been proffered by supporters of this bill that this bill is necessary. Nor has data been presented to justify enacting a law that would make it easier for policy to turn a mere traffic infraction into a petty misdemeanor and subject people **to up to 30 days in jail and a fine of up to \$1,000.**

This proposed measure is a continuum of short-sighted public policies that result in mass criminalization and incarceration without any demonstrable evidence that it would enhance public safety.

Currently, in Hawai'i, 560,800 people have a criminal legal record. That is 1 in 2, or over 50% of people are saddled with records that could block their access to jobs, housing, education, starting a business, or participating fully in social and civic community life. In the digital era, with nearly 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges⁶ now using background checks, any record—no matter how old or minor—can put employment, housing, education, and other basics permanently out of reach.

By increasing this offense from a citation to a petty misdemeanor, Hawai'i will move further away from data-driven criminal legal reforms – and subject more people to the collateral consequences of a criminal record.

- For example, a criminal record reduces a job seeker's chance of getting a callback or job offer by nearly 50 percent.⁷

⁵ Dep't of Pub. Safety, Reentry Coordination Office Annual Report on Civil Identification Documents (2019), available at <https://dps.hawaii.gov/wp-content/uploads/2020/01/RC-12.4.19-Minutes-DRAFT-01.02.20.pdf>

⁶ <https://www.americanprogress.org/article/news-can-use-research-roundup-re-entry-advocates/>

⁷ <https://scholar.harvard.edu/pager/publications/sequencing-disadvantage-barriers-employment-facing-young-black-and-white-men>

Chair Rhoads and Members of the Committee
April 1, 2022

- Formerly incarcerated people are **nearly 7 times more likely** than the general public to experience homelessness.⁸

Hawaii's families will continue to bear the human and financial cost of criminalization and incarceration until we implement meaningful, community-based solutions and alternatives to incarceration. Many groups, including the ACLU of Hawai'i,⁹ have proposed pathways for divestment from incarceration and reinvestment in our communities. This measure only takes us further from the progress our state so desperately needs.

For these reasons, ACLU of Hawai'i respectfully requests that the Committee defer this measure. Thank you for the opportunity to submit testimony in opposition to **HB 1453 HD1**.

Sincerely,

Carrie Ann Shirota
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

American Civil Liberties Union of Hawai'i
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⁸ <https://www.prisonpolicy.org/reports/housing.html>

⁹ In 2019, the American Civil Liberties Union, in partnership with the ACLU of Hawai'i and Urban Institute, released the Blueprint for Smart Justice Hawai'i. This report resulted from a two-year research project dedicated to identifying key reforms in Hawai'i that would cut the state's incarcerated population in half and reduce racial disparities in Hawai'i's corrections system. The report is available at <https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-HI.pdf> and may serve as a resource as the Legislature considers future reforms.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
" A Police Organization for Police Officers Only "
Founded 1971

March 30, 2022

ONLINE/FAX: 808-586-6131; 808-587-7220

The Honorable Karl Rhoads
Chair
The Honorable Jarrett Keohokalole
Vice-Chair
Senate Committee on Judiciary
Hawaii State Capitol, Rooms 204, 205
415 South Beretania Street
Honolulu, HI 96813

Re: **HB1453 HD1-Relating to Traffic Violations**

Dear Chair Rhoads, Vice-Chair Keohokalole, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union to express our strong **support** for HB1453 HD1 which seeks to amend HRS §291C-172 to require a violator to provide proof of their identity, and give our officers the option to arrest a violator when a person refuses to identify themselves during a valid traffic stop.

The current language in HRS §291C-172 allows an officer to issue a written citation when a traffic violator refuses to provide personal identifying information or provides false information. The dilemma for the officer is that if the violator refuses to provide accurate information relating to their identity or no information at all, the written citation will also be inaccurate and rendered useless or the officer will be unable to issue the citation in the first instance because of the violator's refusal to provide any information. By giving our officers the option of arresting the violator for a petty misdemeanor, consistent with HRS §291C-23, the violator can be properly identified and appropriately cited for the violation.

In conducting patrol duties, our officers are involved in numerous traffic stops for various traffic infractions. Without observing an operator's driver's license and photograph, it is difficult for our officers to verify if the operator is really who they claim to be or is simply using a false name or alias. What often happens is the operator claims to have a valid driver's license

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The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
Senate Committee on Judiciary
Re: HB1453 HD1-Relating to Traffic Violations
March 30, 2022
Page 2

but provides the officer with another person's name and personal information. The officer will run a license check in the police computer system to confirm if there is a valid license under the name and personal information provided by the operator. However, if the operator gave a false name or false personal information, the system may confirm a valid driver's license but it would not be for the operator who gave the misleading information. The false information would also prevent the officer from running a valid warrant check on the driver. In our experience, drivers who do not have a valid driver's license often have outstanding arrest warrants.

We are aware that the Office of the Public Defender has claimed that this bill "serves no legitimate purpose." Requiring a person operating a vehicle on our public roadways under our Statewide Traffic Code to have proper identification on their person certainly serves the legitimate purpose of ensuring the operator is appropriately licensed to be on the roadways when stopped for a traffic violation. Contrary to the assertions made by the Public Defender, the bill does not imply that citizens "must present 'papers' in order to move freely upon our streets." What the bill does require is that if a person is going to be operating a vehicle on our streets and they engage in a traffic violation they will need to have a proper proof of identification. Requiring a person to provide their driver's license in such a situation is certainly not unreasonable for anyone who utilizes their driving privileges. Everyone is required to follow the law and if they do not, they should be subject to the appropriate consequences. Therefore, we are unclear as to why that would cause the Public Defender great concern.

The proposed amendment to HRS §291C-172 will greatly aid and enhance our officers' ability to perform their duties, accurately identify an operator who is stopped for a traffic violation, and hopefully provide the proper deterrent for those who may refuse to properly identify themselves.

We thank you for allowing us to be heard on this very important issue and we hope your committee will unanimously support HB1453 HD1.

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Friday, April 1, 2022

2:00 PM

OPPOSITION TO HB 1453 HD1 - OVERCRIMINALIZATION

Aloha Chair Rhoads, Vice Chair Keohokalole and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf HD1 of the more than 3,993 Hawai`i individuals living behind bars¹ under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that 1,110 of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity testify in OPPOSITION to HB 1453 HD1 that widens the criminal legal net for people involved in a traffic offense who refuse to provide identification to a police officer. This refusal makes it a petty misdemeanor.

This bill is part of the HPD package. With all the recent problems at the Honolulu Police Department , it appears that they are now going after low-level violators to increase the jail population.

Bills like this ignore our community values. Is Hawai`i committed to providing the MOST UNAFFORDABLE HOUSING = JAIL - for some of our most vulnerable people?

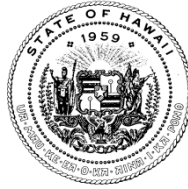
Are we entering a “show me your letters of transit” era in Hawai`i? **This is a giant step in the wrong direction.** Instead of passing this Orwellian bill, the committee should ask HPD if this bill is just a diversionary tactic to pull the legislature’s attention away from the multiple problems in HPD.

We respectfully ask the committee to HOLD this bill.

¹ Department of Public Safety, Weekly Population Report, March 21, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-21.pdf>

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097



April 1, 2022
9:30 A.M.

State Capitol, Conference Room 016/Teleconference

H.B. 1453, H.D. 1
RELATING TO TRAFFIC VIOLATIONS

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** H.B. 1453, H.D. 1, which specifies that refusing to provide identifying information to a police officer when being detained for a traffic offense is a petty misdemeanor.

The DOT supports this measure as it will deter violators of the traffic code under Hawaii Revised Statutes 291C-172 from supplying false information to law enforcement by providing police officers reasonable grounds to charge an offender who refuses to provide adequate means of identification.

Thank you for the opportunity to provide testimony.

HAWAII STATE OF REPRESENTATIVES

H.B. No. 1453

Friday,, April 1, 2022

Support for Hb1453, Relating to Failure to Identify

My name is Meesha Williams. I am Black mother, military spouse, and current Master of Social Work student at the University of Hawaii. As a member of the community, it is concerning how minorities are mistreated at the hands of law enforcement. People of color are disproportionately arrested, mistreated, and even killed by the hands of those whose duty is to serve and protect. This has led to breakdown in trust between police officers and members of the community. This is why I am in favor of this bill proposing that failure to identify is a petty misdemeanor.

Currently, in Hawaii's law, misdemeanors are punishable by up to one year in jail, and a fine of \$2,000. Petty misdemeanors are considered less serious and can be punishable by up to 30 days in jail and \$1,0000 fine. Making failure to identify a petty misdemeanor will hopefully result in less negative interactions among high-risk individuals and police officers. Many times, people of color are arrested for offenses that would be considered minor if they were another race. This bill provides context for police officers and an opportunity for the community at large to build trust with our law enforcement agencies.

In supporting this bill, I suggest that failure to identify should include a citation only punishment. Victim-less, non violent misdemeanors have been used for decades to sweep people of color into the judicial system, create long lasting effects on people's

lives, and provide too much power for police officers to use discretion. Over -policing communities costs taxpayers dollars, puts people in jail, and overwhelms criminal justice. To help the greater community, shrinking the misdemeanor code can allow the focus to shift on more serious offenses.

This will allow the opportunity for police officers to become more transparent and intentional about their stops. Many times, a failure to identify is the causation of a greater problem which does not lie on the person being stopped, but on the law enforcement agencies. The mistrust between police officers and the community it serves has resulted in many hesitating on providing that identification. The lowering of the failure to identify to a petty misdemeanor can create an opportunity for police officers to build trust and not punish harshly individuals that do not trust law enforcement.

In closing, I believe that this bill is a step in the right direction for the reimagining of law enforcements that protects and serves ALL people. We as a community can no longer go to our own corners. We must be real and understand that our criminal justice is flawed, but is does not have to stay flawed. We as the people have the power to come to shift and adjust legislation to reflect the people in the community.

Meesha Williams, MSW Candidate

meeshah@hawaii.edu

HB-1453-HD-1

Submitted on: 3/30/2022 9:27:50 AM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Hogan	Individual	Oppose	Written Testimony Only

Comments:

TO: The Honorable Mark M. Nakashima, Chair and Members Commity on Judiciary and Hawaiian Affairs House of Representatives Hawaii State Capitol 415 South Baretania Street, Room 325 Honolulu, Hawaii 96813

From: David Hogan Student at UH manoa and concerned citizen

Subject: HB 1453, Relating to traffic violations

HEARING:Friday April 1st 2022, 9:30am

I am writing this testimony to respectfully oppose this administration measure, House Bill 1453 relating to traffic violations, which would criminalize the refusal to provide identifying information to a police officer when detained for a traffic offense by raising it to a petty misdemeanor. This measure will also require any person detained for a violation of HRS Chapter 291C to provide the person's name and address, and any proof thereof. This change seems to serve no purpose other than to give law enforcement additional powers to arrest people they view as non-compliant when many people simply do not carry the required documentation, or doesn't account for a situation in which someone may have simplt forgotten their documentation (i.e. wallet) at home and needed to go to the store to grab some milk or something to eat in a timely manner and happened to get pulled over on their way to the store.

I oppose this measure which would require every citizen to have their papertwork ready in the event that they are stopped for a traffic violation. This measure seems excessive because on top of being interrogated and temporarlit detained by police officers, any citizen would also be arrested and charged with a misdemeanor if this measure is passed. Requiring citizens to always carry their proof of documentation is a step towards totalitarianism and away from democracy. It would imply that you can only travel freely through our streets if you can provide the proof of identification on the spot.

I understand the need to crack down on crime and in the event that someone may have stolen a vehicle, but this measure seeks to criminalize everyday citizens who are not in any way involved in a 'crime' because of the vagnues and lack of grey area in which the bill is written. It almost seems unconstitutionally vague and if it is past I can envision it cauing a lot of problems, both in terms of how and when it is enforced, and also dealing with the court dates and drama for someone who may have just forgotton their wallet at home. It just seems like a lot of unnecessary

drama that can be avoided. I am a supporter of law enforcement and I do not wish to make their jobs harder than they already are, but I am just weary of a bill that seems to have some confusing and vague language written into it. Once again, I respectfully oppose House Bill 1453.

Thank you very much for the opportunity to testify in support of this measure.

Sincerely,

David Hogan BA

HB-1453-HD-1

Submitted on: 3/30/2022 9:39:22 PM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lee Curran	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Senate Judiciary Committee,

My name is Lee Curran and I am testifying as an individual who is a co-facilitator of the Transformative Justice Task Force which is part of Faith Action for Community Equity, (FACE). I am testifying in **STRONG OPPOSITION to HB1453 HD1** which would criminalize the refusal to provide identifying information to a police officer when detained for a traffic offense by raising it to a petty misdemeanor.

As part of a much larger community effort working on decarceration in face of our nation's addiction to incarceration, I view this bill's intent is to further criminalize and incarcerate our population, especially marginalized communities without economic means.

I am in total agreement with the previous testimony from the Office of the Public Defender that this requirement to provide identification is truly disconcerting, in an Orwellian way. It is a BIG no thank you for me to this dystopian legislation that has shades of fascism! George Orwell's "**1984**" may have passed chronologically but this proposed legislation takes us back to that fictional time. Let it remain fiction and **please vote NO on HB1453 HD1.**

It is my sincere hope that this message grounded in care, compassion and community sits on your hearts and impacts your decision-making as you create laws that recognize the humanity and inherent dignity and worth of the people of Hawai'i now and in future generations.

Lee Curran, Makaha, HI

LATE

HB-1453-HD-1

Submitted on: 3/31/2022 10:34:25 AM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Senate Judiciary Committee,

My name is Carla Allison and I strongly oppose HB1453 HD1. What we do not need is a law that turns a traffic offense into a petty misdemeanor..

As part of a much larger community effort working on decarceration in face of our nation's dependence on and belief that incarceration is an answer to human ills, I oppose this bill's intent is to further criminalize and incarcerate our population, especially marginalized communities without economic means.

I support the previous testimony from the Office of the Public Defender.

Please vote NO on HB1453 HD1.

Thank you for your consideration,

Carla Allison

Honolulu

LATE

HB-1453-HD-1

Submitted on: 3/31/2022 11:47:50 AM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole and members of the Senate Committee on Judiciary,

I oppose HB1453 HD1. This is not a good bill at all.

Mahalo for your consideration.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-First State Legislature
Regular Session of 2022
State of Hawai'i**

April 1, 2022

RE: H.B. 1453, H.D. 1; RELATING TO TRAFFIC VIOLATIONS.

Chair Rhoads, Vice-Chair Keohokalole and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following **comments, supporting the intent** of H.B. 1453, H.D. 1.

The Department agrees that this bill could address gaps in enforcement, that currently exist for police officers attempting to enforce certain types of traffic infractions. Amendments to HRS §291C-17 could provide a needed tool, to ensure officers know who they are addressing, under certain types of circumstances.

Thank you for the opportunity to testify on this matter.

LATE

HB-1453-HD-1

Submitted on: 4/1/2022 1:30:06 PM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
L Basha	Individual	Support	Written Testimony Only

Comments:

This is long overdue and should have a stiffer penalty.

Lawrence Basha

Kailua

LATE

HB-1453-HD-1

Submitted on: 4/1/2022 1:35:36 PM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

I opose this for one reason. It semes that you are jusy trying to find more ways to charge people for something just to get more mony to put in some bodys Pocket witch we now is all Crooked to begin with!!