STAND. COM. REP. NO. 2938

Honolulu, Hawaii

MAR 1 5 2006

RE: H.B. No. 2343

H.D. 1 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Transportation and Government Operations, to which was referred H.B. No. 2343, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to penalize the commission of certain crimes committed during a time of civil defense emergency proclaimed by the Governor pursuant to law.

This measure would:

- (1) Define a "civil defense emergency worker";
- (2) Enact new offenses of:
 - (A) Assault against a civil defense emergency worker, as a class B felony; and
 - (B) Burglary of a dwelling or a building during a civil defense emergency as a class A felony;
- (3) Expand the offenses of:
 - (A) Criminal property damage in the first degree to include intentionally or knowingly damaging property of another during a civil defense emergency;

2006-2060 SSCR SMA.doc

- (B) Theft in the first degree to include theft of property or services during a civil defense emergency; and
- (C) Robbery in the first degree to include using force to commit a theft or threatening imminent use of force against a person during time of civil defense emergency.

Your Committee received testimony in support of this measure from the Attorney General and State Civil Defense. Testimony in opposition was received from the Public Defender.

Your Committee finds that strong penalties would deter the majority of opportunistic crimes during civil emergencies. When resources are needed to restore law and order, emergency response aid to victims may be hampered or delayed, leaving victims at an increased risk of bodily injury or death. If strong measures to control law and order are not in place before a disaster or emergency occurs, looting and other crimes are likely to increase.

Your Committee has amended this measure by changing the effective date to upon its approval.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2343, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2343, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Transportation and Government Operations,

Jorraine R. INOUYE, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Transportation and Government Operations (Bills and Resolutions)

Measure:* HB 1343 HD1	Committee Referral: Da		Date: 3 13 %	
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:				
The Recommendation is to:				
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
INOUYE, Lorraine R. (C)				Card Card Side Sinhary of Shanning Sign
ESPERO, Will (VC)	V			
BAKER, Rosalyn H.				
HEE, Clayton				. ,
KANNO, Brian				
MENOR, Ron				
WHALEN, Paul				
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	A CARACTER DE LA CAR La caracter de la car			
TOTAL	4			3
Recommendation: Adopted Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

^{*}Do <u>not</u> list more than one measure per Record of Votes.