STAND. COM. REP. NO. 1108

Honolulu, Hawaii

MAR 2 1 2007

RE: H.B. No. 356

H.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

## Madam:

Your Committee on Transportation and International Affairs, to which was referred H.B. No. 356, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT,"

begs leave to report as follows:

The purpose of this measure is to create the offense of leaving a child unsupervised in a motor vehicle.

Your Committee received testimony in support of this measure from the Department of Human Services, Honolulu Prosecuting Attorney, Honolulu Police Department, and Kids In Cars.

This measure would apply to children under the age of nine who are left alone in a motor vehicle or with a minor under the age of fifteen.

Your Committee finds that leaving a child alone in a motor vehicle poses substantial risk of injury or death from suffocation in a hot parked vehicle and of unintentional kidnapping in the course of motor vehicle theft. Although parents mean well, the seemingly innocuous practice of leaving a child in a motor vehicle, even momentarily, to buy groceries or do banking can have disastrous consequences. While the car is parked and left unattended, thieves have been known to steal motor vehicles with the child still in the car. Incidences have also occurred where a parent forgets the child in the car, parks the car with the windows rolled up, and proceeds to work, leaving the child for the whole day.

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As recently as March 17, 2007, a three-year-old child died after being left alone in a car for more than one and one-half hours while her father visited friends. Your Committee further finds that this tragedy should never have occurred.

Under existing law in section 709-904(2), Hawaii Revised Statutes, a person may be subject to prosecution for the misdemeanor offense of endangering the welfare of a minor in the second degree only if the person knowingly endangered the minor's physical or mental welfare by leaving the minor in the vehicle, thereby violating the legal duty of care or protection owed to the minor. The requirement for a knowing state of mind is difficult for the prosecution to prove a case against the driver. This measure would facilitate the prosecution of these types of cases.

This measure is intended to bring attention to parents and other persons charged with the care and responsibility of minors to never leave the child unattended in the car. The intent of this measure is not to criminalize the behavior, notwithstanding the usage of the terms "offense" and "conviction". Violation of this measure is intended to be a traffic violation subject to fine.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 356, H.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Transportation and International Affairs,

J. KALANI ENGLISH, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Transportation and International Affairs TIA

Bill / Resolution No.:*  HB 356 HD2  (HSCR 873)	Committee Referral:  TIA, JPL		Da	Date: 3-19-07	
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)		. /			
INOUYE, Lorraine R. (VC)					
ESPERO, Will					
HOOSER, Gary L.		ed tento contribute problem of The Co.		2011 2010 11 2010 10 2	
TANIGUCHI, Brian T.					
TSUTSUI, Shan S.					
GABBARD, Mike					
TOTAL		4	0	0	3
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency					

Revised: 12/18/06

<sup>\*</sup>Only one measure per Record of Votes