STAND. COM. REP. NO. 1587

Honolulu, Hawaii

%, 2009

S.B. No. 350

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 350, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO USE OF FORCE,"

begs leave to report as follows:

The purpose of this bill is to further clarify under what circumstances people may defend themselves using deadly force, by:

- (1)Permitting the use of deadly force by the resident of a dwelling against a person not lawfully in the dwelling who uses force against the resident;
- (2)Removing the requirement that a person retreat, if possible, if assaulted by a co-worker; and
- (3) Expanding the exemption from the duty to retreat from the home and workplace to any place where the actor may lawfully be present.

The Office of the Public Defender, National Rifle Association of America - Hawaii Division, Hawaii Rifle Association, and several concerned individuals supported this bill. The Honolulu Police Department, Honolulu Department of the Prosecuting Attorney, and Injury Prevention Advisory Committee opposed this measure.

SB350 HD1 HSCR JUD HMS 2009-3647

Your Committee has amended this bill by:

- (1) Deleting provisions permitting the use of deadly force by the resident of a dwelling against a person not lawfully in the dwelling who uses force against the resident; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 350, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 350, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

LILL KARAMATSII Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:	2 bulos	
SB350,SDI	JUD		5/24/100	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)				
2. ITO, Ken (VC)	V			
3. BELATTI, Della Au				
4. CABANILLA, Rida				
5. CARROLL, Mele		V		100 Head (100 He
6. HERKES, Robert N.				
7. LUKE, Sylvia				
8. McKELVEY, Angus L.K.			respected on the organization of	
9. MIZUNO, John M.		101		i Anglia
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	リ			
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.				100
16. THIELEN, Cynthia				
			1.1.1	

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TOTAL (16)	11	2	2	l
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				