STAND. COM. REP. NO.

Honolulu, Hawaii FEB 11 2013

RE: S.B. No. 78

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 78 entitled:

"A BILL FOR AN ACT RELATING TO RESISTING ARREST,"

begs leave to report as follows:

The purpose and intent of this measure is to create the offense of resisting arrest in the first degree as a class C felony if a person intentionally prevents a law enforcement officer acting under color of the law enforcement officer's official authority from effecting an arrest by removing or attempting to remove a firearm from the person of a law enforcement officer.

Your Committee received testimony in support of this measure from the Criminal Investigation Unit of the Honolulu Police Department, City and County of Honolulu; County of Hawaii Police Department; and Hawaii Rifle Association.

Your Committee finds that this measure addresses situations in which law enforcement officers engage in a physical struggle with an individual and the individual attempts to remove the officer's firearm. Anyone who would knowingly attempt to disarm a law enforcement officer who is acting under the color of official authority has displayed malicious conduct and poses an immediate threat not only to the officer, but also to other persons in the area. This measure discourages individuals from resisting the actions of law enforcement officers while the officers are making an arrest.



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As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 78 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 Public Safety, Intergovernmental and Military Affairs,

Erevo

WILL ESPERO



The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*				Date:	
SB 18	PSM, JDL			1-31-2013	
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
ESPERO, Will (C)					
BAKER, Rosalyn H. (VC)		1			
GALUTERIA, Brickwood		-		-	
GREEN, Josh					-
SLOM, Sam					
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TOTAL		4	_	-	1
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					

*Only one measure per Record of Votes