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## A BILL FOR AN ACT

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RELATING TO RESISTING ARREST.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The purpose of this Act is to establish the offense of resisting arrest in the first degree as a felony and to establish the existing resisting arrest misdemeanor offense as resisting arrest in the second degree.

SECTION 2. Chapter 710, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§710- Resisting arrest in the first degree. (1) A person commits the offense of resisting arrest in the first degree if the 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.

As used in this section, "firearm" has the same meaning as in section 134-1.



1        (2) Resisting arrest in the first degree is a class C  
2 felony."

3        SECTION 3. Section 710-1026, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "**§710-1026 Resisting arrest[-] in the second degree.** (1)

6 A person commits the offense of resisting arrest in the second  
7 degree if the person intentionally prevents a law enforcement  
8 officer acting under color of the law enforcement officer's  
9 official authority from effecting an arrest by:

10        (a) Using or threatening to use physical force against the  
11 law enforcement officer or another; or

12        (b) Using any other means [~~creating~~] that creates a  
13 substantial risk of causing bodily injury to the law  
14 enforcement officer or another.

15        (2) Resisting arrest in the second degree is a  
16 misdemeanor."

17        SECTION 4. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

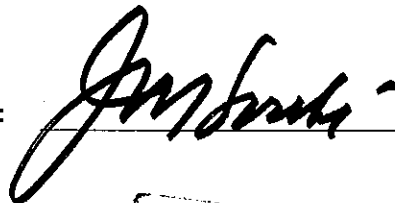
20        SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jim Linder", is written over a horizontal line.

By Request

JAN 22 2015



# H.B. NO. 154

**Report Title:**

Resisting Arrest in the First Degree

**Description:**

Creates the offense of resisting arrest in the first degree as a class C felony. Amends the existing resisting arrest offense to resisting arrest in the second degree.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

