

JAN 23 2015

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# A BILL FOR AN ACT

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RELATING TO RESISTING AN ORDER TO STOP A VEHICLE.

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

1       SECTION 1. The legislature finds that existing law in the  
2 penal code does not adequately address situations in which an  
3 offender, while fleeing in a vehicle from a law enforcement  
4 officer, places another person in danger of being injured or  
5 damages property. The offender may be arrested for the offense  
6 of attempted murder, assault in the second degree, or  
7 terroristic threatening in the first degree. However, the  
8 alleged conduct does not fulfill the elements of those offenses,  
9 which causes the charges to be changed or dropped. The  
10 offender's intent is not to commit murder, assault, or  
11 terroristic threatening or to damage the property of another.  
12 Rather, the offender is trying to elude apprehension while  
13 fleeing in a vehicle.

14       The legislature further finds that police officers  
15 frequently attempt to make vehicular traffic stops, which causes  
16 the offender to speed away. In the process of fleeing in a  
17 vehicle, an innocent bystander may be placed in danger of being



1 injured or property may be damaged. Over the past several  
2 years, such dangerous encounters have become common place. This  
3 is a very dangerous situation for the law enforcement officer,  
4 the offender, and other people in the area, because an offender  
5 can easily lose control of the vehicle being operated at a high  
6 speed and injure or kill someone.

7 The legislature further finds that creating a new felony  
8 offense of resisting an order to stop a motor vehicle provides  
9 the prosecution with an additional offense to charge an offender  
10 fleeing a stop in a motor vehicle. In addition, the safety of  
11 police officers and bystanders would be enhanced.

12 The purpose of this Act is to:

13 (1) Establish the offense of resisting an order to stop a  
14 motor vehicle in the first degree as a class C felony;  
15 and

16 (2) Reclassify the existing offense of resisting an order  
17 to stop a motor vehicle, a misdemeanor, to resisting  
18 an order to stop a motor vehicle in the second degree.

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



1        **"§710-     Resisting an order to stop a motor vehicle in the**  
2 **first degree.**    (1)   A person commits the offense of resisting an  
3 order to stop a motor vehicle in the first degree if the person  
4 intentionally fails to obey a direction of a law enforcement  
5 officer, acting under color of the law enforcement officer's  
6 official authority, to stop the person's vehicle and in the  
7 process of doing so, the person negligently:

8        (a)   Places another person in danger of death or bodily  
9               injury;

10       (b)   Causes bodily injury to another person; or

11       (c)   Damages the property of another person.

12       (2)   Resisting an order to stop a motor vehicle in the  
13 first degree is a class C felony."

14       SECTION 3.   Section 710-1027, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       **"§710-1027   Resisting an order to stop a motor vehicle[-]**  
17 **in the second degree.**    (1)   A person commits the offense of  
18 resisting an order to stop a motor vehicle in the second degree  
19 if the person intentionally fails to obey a direction of a law  
20 enforcement officer, acting under color of the law enforcement  
21 officer's official authority, to stop the person's vehicle.



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(2) Resisting an order to stop a motor vehicle in the  
second degree is a misdemeanor."

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

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

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

INTRODUCED BY:

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# S.B. NO. 186

**Report Title:**

Penal Code; Resisting an Order to Stop a Motor Vehicle

**Description:**

Creates the offense of resisting an order to stop a motor vehicle in the first degree as a class C felony. Reclassifies the current offense of resisting an order to stop a motor vehicle to resisting an order to stop a motor vehicle in the second degree, a misdemeanor.

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