

Honolulu, Hawaii

FEB 19 2015

RE: S.B. No. 186
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and
Military Affairs and Transportation, to which was referred S.B.
No. 186 entitled:

"A BILL FOR AN ACT RELATING TO RESISTING AN ORDER TO STOP A
VEHICLE, "

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of resisting an order to stop a
motor vehicle in the first degree as a class C felony;
and
- (2) Reclassify the existing offense of resisting an order to
stop a motor vehicle, which is a misdemeanor, to
resisting an order to stop a motor vehicle in the second
degree.

Your Committees received testimony in support of this measure
from the Honolulu Police Department.

Your Committees find that an offender, while fleeing in a
vehicle from a law enforcement officer, often places another
person in danger of being injured or damages property. Existing
law does not adequately address these situations. The offender
may be arrested for the offense of attempted murder, assault in
the second degree, or terroristic threatening in the first degree.
However, the alleged conduct does not fulfill the elements of



those offenses, as the offender's intent is not to commit murder, assault, or terroristic threatening or to damage the property of another, which causes the charges to be changed or dropped. Implementation of this measure will provide prosecutors with an additional offense with which to charge an offender who is resisting an order to stop while fleeing in a motor vehicle.

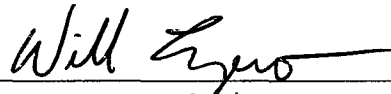
Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 186, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 186, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental and Military
Affairs and Transportation,



CLARENCE K. NISHIHARA, Chair



WILL ESPERO, Chair



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

*Only one measure per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRA

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB186</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">PSM/TRA, JD</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/12/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
HARIMOTO, Breene (VC)	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓	✓		
ESPERO, Will	✓			
INOUE, Lorraine R.	✓			
KIDANI, Michelle N.				✓
KOUCHI, Ronald D.	✓			
SLOM, Sam				✓
TOTAL	6	1		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive;">Breene Hart</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> Distribution: Original File with Committee Report </div> <div> Yellow Clerk's Office </div> <div> Pink Drafting Agency </div> <div> Goldenrod Committee File Copy </div> </div>				

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