

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1           SECTION 1. The legislature finds that section 291C-172,  
2 Hawaii Revised Statutes, "[r]efusal to provide identification",  
3 does not adequately address situations in which the violator of  
4 a traffic law is stopped by a police officer and refuses to  
5 provide any personal identifying information, or provides  
6 obviously false information. Currently, this section only  
7 allows a law enforcement officer to issue a citation for this  
8 violation. However, if the violator is not providing the  
9 officer with their identifying information, a citation cannot be  
10 issued, making this law impractical. This impracticality  
11 hinders law enforcement in the performance of the critical duty  
12 of traffic enforcement, especially in relation to pedestrians or  
13 bicycles. It is critical that police officers have the option  
14 to arrest a violator of section 291C-172 when the person refuses  
15 to identify themselves, as a deterrent to this type of behavior.

16           The legislature further finds that section 291C-23, Hawaii  
17 Revised Statutes, "[o]bedience to police officers", covers



1 similar traffic situations in which a person willfully fails or  
 2 refuses to comply with any lawful order or direction of a police  
 3 officer who is controlling traffic. Violating section 291C-23  
 4 is a petty misdemeanor.

5 Accordingly, the purpose of this Act is to amend section  
 6 291C-172, Hawaii Revised Statutes, to change the penalty for  
 7 violation of this section from a traffic infraction to a petty  
 8 misdemeanor. This adjustment will allow a functional  
 9 progression for officers to follow in the event a traffic law  
 10 violator refuses to provide a police officer with their  
 11 information.

12 SECTION 2. Section 291C-172, Hawaii Revised Statutes, is  
 13 amended to read as follows:

14 "**§291C-172 Refusal to provide identification.** (a) Except  
 15 as provided in subsection (b), any person detained for a  
 16 violation of this chapter shall provide the person's name and  
 17 address [~~or~~], and any proof thereof, [~~or both,~~] upon the lawful  
 18 order or direction of any police officer in the course and scope  
 19 of the officer's duties pursuant to this chapter.

20 (b) A pedestrian who is detained for violating part VII of  
 21 this chapter shall provide the person's name and address upon





# S.B. NO. 2117

**Report Title:**

Honolulu Police Department Package; Traffic Code; Refusal to Provide Information

**Description:**

Specifies that refusing to provide identifying information to a police officer when being detained for a traffic offense is a petty misdemeanor.

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

