

ACT 130

H.B. NO. 1002

A Bill for an Act Relating to Impersonating a Law Enforcement Officer.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 710-1000(13), Hawaii Revised Statutes, is amended to read as follows:

“(13) [“Peace officer”] “Law enforcement officer” means any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.”

SECTION 2. Section 710-1016.5, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 710, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

“§710- Impersonating a law enforcement officer in the first degree.

(1) A person commits the offense of impersonating a law enforcement officer in the first degree if, with intent to deceive, the person pretends to be a law enforcement officer and is armed with a firearm.

(2) Impersonating a law enforcement officer in the first degree is a class C felony.

§710- Impersonating a law enforcement officer in the second degree.

(1) A person commits the offense of impersonating a law enforcement officer in the second degree if, with intent to deceive, the person pretends to be a law enforcement officer.

(2) Impersonating a law enforcement officer in the second degree is a misdemeanor.

§710- Presumptions. Any person other than a law enforcement officer, who wears the uniform or displays the badge or identification card of a law enforcement officer, or who wears a uniform or displays a badge or identification card resembling the uniform, badge or identification card of a law enforcement officer, or a badge or identification card purported to be a law enforcement officer's badge or identification card, shall be presumed to be pretending to be a law enforcement officer.

§710- Defense. (1) Employment by the state or a subdivision thereof or by the United States as a law enforcement officer at the time of the conduct charged is an affirmative defense to a prosecution for impersonating a law enforcement officer.

(2) It is no defense to a prosecution for impersonating a law enforcement officer that the office the person pretended to hold did not in fact exist.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved May 31, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.