

HB1019

HD1

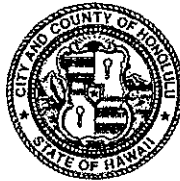
LATE

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE RR-NTK

March 16, 2010

The Honorable Brian Taniguchi, Chair
and Members
Committee on Judiciary
and Government Operations
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: House Bill No. 1019, H.D. 1, Relating to the Penal Code

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1019, H.D. 1, Relating to Penal Code. Passage of this bill would make two critically needed changes to the penal code.

The first change would allow the current murder statute to be more accurately applied. It would aid in cases where suspects beat the victim to death and then claim that they did not intend to kill the victim. Five of the 14 criminal homicides in 2009 were as a result of a beating. This change will provide better protection for our community and increase the public's confidence in our judicial process.

The second change the Honolulu Police Department authored in the original bill. We are respectfully requesting your continued support for this bill. The goal of this legislation is to address a gap in the existing law when a suspect uses a simulated firearm in the commission of a robbery or a threatening case. Currently, if the weapon is not a real firearm, the suspect cannot be charged with the higher offense of Robbery in the First Degree or Terroristic Threatening in the First Degree.

Simulated firearms are increasingly more difficult to discern from real firearms and as a result are being used to facilitate serious criminal offenses. The victims in these crimes believe the weapons are real and are justifiably terrorized when threatened with one. We are seeing an increasing trend of simulated firearms being used in robberies and in terroristic threatening cases. In the last twelve months, there have been at least eight robbery cases and seven threatening cases where a simulated firearm was utilized.

Serving and Protecting With Aloha

The Honorable Brian T. Taniguchi, Chair
and Members
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As written, the current definition of a "Dangerous Instrument" does not include simulated firearms and therefore, does not allow for the appropriate prosecution of these cases. This denies the victims of these crimes the commensurate justice they deserve. Similar laws have been passed in nine other states.

The Honolulu Police Department urges you to support House Bill No. 1019, H.D. 1, Relating to the Penal Code.

Thank you for the opportunity to testify.

Sincerely,



RICHARD C. ROBINSON, Captain
Criminal Investigation Division

APPROVED:



van

LOUIS M. KEALOHA
Chief of Police