

STAND. COM. REP. NO.

2931

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2121
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2121 entitled:

"A BILL FOR AN ACT RELATING TO FELONIES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the offense of interference with the operation of an automated public transit vehicle, system, or service as a class C felony.

Your Committee received testimony in support of this measure from the Department of Transportation Services of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that under existing law, it is a class C felony for a person to interfere with the operator of a public transit vehicle, which includes causing or threatening bodily injury to the operator. As technology advances, transit vehicles no longer require an operator and may be operated remotely or through automation. Your Committee finds that although interference with an automated public transit vehicle should not be tolerated, such activity should not rise to the level of a felony offense unless it results in serious bodily injury to a person.

Accordingly, your Committee has amended this measure by:



- (1) Deleting causing delay as a possible element of the offense;
- (2) Deleting the term "automated", thereby applying the offense to all public transit vehicles, systems, and services;
- (3) Specifying that a person commits the offense of interference with the operation of a public transit vehicle if the person interferes with the operation of a public transit vehicle by intentionally, knowingly, or recklessly causing the malfunction or breakdown of operation of a public transit vehicle, system, or service that results in serious bodily injury to or death of any person; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2121, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2121, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2121	Committee Referral: JDC	Date: 2/16/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes