
A BILL FOR AN ACT

RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§291E- Illegal operation of a vehicle while under court
5 order of revocation of privilege to operate a vehicle. (a) A
6 person commits the offense of illegal operation of a vehicle
7 while under court order of revocation of privilege to operate a
8 vehicle if the person operates or assumes actual physical
9 control of a vehicle after the person has had the person's
10 privilege to operate a vehicle revoked by a court order pursuant
11 to this chapter, or revoked by a court order pursuant to section
12 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions
13 were in effect on December 31, 2001.

14 (b) It is an affirmative defense that the person had the
15 person's privilege to operate a vehicle restored by court order
16 prior to the date of the alleged offense.



1 (c) Illegal operation of a vehicle while under court order
2 of revocation of privilege to operate a vehicle is a class C
3 felony.

4 (d) If the person convicted of violating this section is a
5 habitual operator of a vehicle while under the influence of an
6 intoxicant, as defined by section 291E-61.5, the person shall be
7 sentenced to permanent revocation of privilege to operate a
8 vehicle and to an indeterminate term of imprisonment of five
9 years, without possibility of suspension of sentence or
10 probation.

11 (e) If the person convicted of violating this section is
12 not a habitual operator of a vehicle while under the influence
13 of an intoxicant, as defined by section 291E-61.5, the person
14 shall be sentenced to a five-year revocation of privilege to
15 operate a vehicle, to commence upon the release of the person
16 from the period of imprisonment imposed pursuant to this
17 section, and to:

18 (1) An indeterminate term of imprisonment of five years;
19 or

20 (2) A five-year term of probation, with terms and
21 conditions to include, but not be limited to, ninety
22 days of imprisonment, which shall not be suspended.



1 §291E- Illegal operation of a vehicle while under court
2 order of suspension of privilege to operate a vehicle. (a) A
3 person commits the offense of illegal operation of a vehicle
4 while under court order of suspension of privilege to operate a
5 vehicle if the person operates or assumes actual physical
6 control of a vehicle during a period of time for which the
7 person has had the person's privilege to operate a vehicle
8 suspended by a court order pursuant to this chapter, or
9 suspended by a court order pursuant to section 200-81, 291-4,
10 291-4.4, 291-4.5, or 291-7 as those provisions were in effect on
11 December 31, 2001.

12 (b) Any person convicted of violating this section shall
13 be sentenced as follows:

14 (1) For a first offense, or any offense not preceded
15 within a five-year period by conviction for an offense
16 under this section:

17 (A) A term of imprisonment of not less than three
18 consecutive days but not more than thirty days,
19 which shall not be suspended;

20 (B) A fine of not less than \$250 but not more than
21 \$1,000; and



1 (C) Revocation of license and privilege to operate a
2 vehicle for an additional year;

3 (2) For an offense that occurs within five years of a
4 prior conviction for an offense under this section:

5 (A) Thirty consecutive days imprisonment, which shall
6 not be suspended;

7 (B) A \$1,000 fine; and

8 (C) Revocation of license and privilege to operate a
9 vehicle for an additional two years; and

10 (3) For an offense that occurs within five years of two or
11 more prior convictions for offenses under this
12 section:

13 (A) One year imprisonment, which shall not be
14 suspended;

15 (B) A \$2,000 fine; and

16 (C) Permanent revocation of the person's license and
17 privilege to operate a vehicle.

18 The period of revocation shall commence upon the release of the
19 person from the period of imprisonment imposed pursuant to this
20 section."

1 SECTION 2. Section 291E-62, Hawaii Revised Statutes, is
2 amended by amending the title and subsection (a) to read as
3 follows:

4 "§291E-62 Operating a vehicle after license and privilege
5 have been administratively suspended or revoked for operating a
6 vehicle under the influence of an intoxicant; penalties. (a)

7 No person whose license and privilege to operate a vehicle have
8 been revoked, suspended, or otherwise restricted pursuant to
9 this section or to part III [~~or section 291E-61 or 291E-61.5,~~
10 of this chapter, or to part VII or part XIV of chapter 286 [~~or~~
11 ~~section 200-81, 291-4, 291-4.4, 291-4.5, or 291-7]~~ as those
12 provisions were in effect on December 31, 2001, shall operate or
13 assume actual physical control of any vehicle:

14 (1) In violation of any restrictions placed on the
15 person's license; or

16 (2) While the person's license or privilege to operate a
17 vehicle remains suspended or revoked."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: Kirk Caldwell

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HB 2553

Report Title:

Driving After License Suspended or Revoked for DUI

Description:

Creates a felony charge for those who drive after a court revokes their license for DUI convictions, and a new criminal offense for those who drive after a court suspends their license for DUI convictions.

