

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 3257
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3257 entitled:

"A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS,"

begs leave to report as follows:

The purpose of this bill is to improve traffic safety by simplifying the implied-consent requirements for testing a driver for intoxicants. Specifically, this measure will require a law enforcement officer to inform an arrested driver of sanctions that may be imposed for refusing to take a blood, breath, or urine test, only if the person withdraws the consent to testing that is implied by operating a vehicle on a public highway or public waters.

The Department of Transportation, City and County of Honolulu, Honolulu Police Department, and Mothers Against Drunk Driving-Hawaii testified in support of this bill. The Office of the Public Defender and a concerned individual opposed this measure.

Your Committee has amended this bill by:

- (1) Requiring law enforcement officers who have probable cause to believe a person operating a vehicle is under the influence of an intoxicant or is underage and has consumed a measurable amount of alcohol to:



- (A) Inform the person that they may refuse to submit to testing to determine alcohol concentration and drug content; and
 - (B) Ask the person if the person still refuses to submit to a breath, blood, or urine test after the law enforcement officer has informed the person of the sanctions under sections 291E-41 and 291E-65, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2006, to encourage further discussion; and
 - (3) Making technical, nonsubstantive amendments for style, 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 H.B. No. 3257, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3257, H.D. 1.

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


SYLVIA LUKE, Chair



