

Honolulu, Hawaii

FEB 14, 2006

RE: H.B. No. 3257

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

Sir:

Your Committee on Transportation, 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's breath, blood, or urine for intoxicants. Specifically, this measure provides that a law enforcement officer is only required to inform a suspect of possible sanctions that may be imposed for the suspect's refusal to take a test to determine alcohol concentration in the suspect's breath or blood or drug content of the suspect's blood or urine only if the person withdraws the consent to testing that is implied when operating a motor vehicle on a public highway or in the public waters of Hawaii.

The Department of Transportation, Department of the Prosecuting Attorney of the 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.

Hawaii has seen an increase in the number of alcohol-related traffic fatalities. Intoxicated drivers are a danger not only to themselves but also to other motorists and pedestrians.



In 2003, the Legislature passed a measure to clarify statutorily that police were required to warn the suspect of the period of administrative revocation of a driver's license and sanctions if the suspect refused to submit to testing. Previously, police were required to read multiple pages of information to an individual suspected of driving under the influence of an intoxicant (DUII) concerning the implications and future consequences of refusing to take a chemical test or taking a chemical test for the presence of intoxicants. The legislation passed in 2003 was an attempt to simplify the informed consent process for individuals suspected of DUII.

However, police officers are still required to read an inordinate amount of information to a suspect of DUII. This measure is an attempt to simplify this process while protecting the rights of the accused by clarifying that information on the consequences of refusing to submit to a blood, breath, or urine test only need to be read to an individual if the individual refuses to submit to such a test. Your Committee believes that this bill will support law enforcement and increase traffic safety.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3257 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



