

Honolulu, Hawaii

APR - 5 2006

RE: H.B. No. 3257
H.D. 1
S.D. 2

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 3257, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the police to inform a person arrested for driving under the influence of intoxicants of the sanctions for refusal to submit to breath, blood, or urine test only if person withdraws consent to testing implied by operation of a vehicle on public highway or waters of the State.

Your Committee received testimony in support of this measure from the Department of Transportation, the Department of the Prosecuting Attorney for the City and County of Honolulu, the Honolulu Police Department, and Mothers Against Drunk Driving. The Office of the Public Defender submitted testimony in opposition to the measure. The Judiciary submitted comments on this measure.

Your Committee finds that this measure would considerably reduce the amount of time spent by the police in processing persons arrested for operating vehicles while under the influence of an intoxicant. Your Committee further finds that under this measure, drivers who first refuse to submit to a breath, blood, or urine test may change their minds after they are informed of the

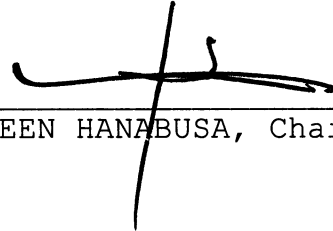


sanctions resulting from a refusal which addresses a concern raised by the Office of the Public Defender.

Your Committee has amended this measure to change the effective date to January 1, 2007 based upon the recommendation of the Department of the Prosecuting Attorney for the City and County of Honolulu.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3257, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3257, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



