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**JAMES R. AIONA, JR.**  
LIEUTENANT GOVERNOR

January 24, 2008

**TESTIMONY ON HOUSE BILL 2036  
RELATING TO INTOXICATING LIQUOR  
James R. Aiona, Jr., Lieutenant Governor  
Office of the Lieutenant Governor**

**House Committee on Human Services & Housing  
Representative Maile S. L. Shimabukuro, Chair  
Representative Karl Rhoads, Vice Chair**

**Thursday, January 24, 2008  
State Capitol Conference Room 329**

Good Morning Chair Shimabukuro, Vice Chairman Rhoads, and Members of the Committee on Human Services & Housing. Thank you for the opportunity to testify.

My name is James R. Aiona Jr., and I am the Lieutenant Governor of the State of Hawai`i.

I support the concept of HB 2036 in as much as it: (1) reclassifies the offense of Promoting Alcohol to a Minor from a full misdemeanor to a petty misdemeanor; and (2) recommends a sentencing structure for individuals convicted of this offense.

However, I believe that the language of this bill must be strengthened to require mandatory jail time for any adult who knowingly furnishes alcohol to a person under the age of 21.

I respectfully suggest that this committee adopt the language contained in our Administration's bill (HB 1259), which does mandate jail time for anyone furnishing alcohol to our keiki. This bill would mirror HB 1259 if your committee simply changed the word "may" to "shall" in paragraphs 4a, 4b, and 4c.

If, on the other hand, this committee is not inclined to make this necessary change, then I believe this bill is cumulative, unnecessary, and would oppose its passing out of your committee.

Alcohol is the number one drug of choice for teens in Hawai'i, as well as throughout the nation. According to the Surgeon General of the United States, "[u]nderage alcohol consumption . . . is a widespread and persistent public health and safety problem that creates serious personal, social, and economic consequences for adolescents, their families, communities, and the National as a whole."

Underage alcohol use is more likely to kill young people than all other illegal drugs combined. It plays a significant role in risky sexual behavior thereby increasing the risk for unplanned pregnancies and sexually transmitted diseases. It is associated with increased risk of physical and sexual assault, academic failure, illicit drug use, tobacco use, and a range of other physical and developmental consequences.

There is important scientific information now available which indicates that alcohol affects brain development, especially in young people, and that underage drinking is a risk factor for heavy drinking later in life. Young people who begin drinking before age fifteen are four times more likely to develop alcohol dependence and two times more likely to become alcohol abusers than those who begin drinking at age twenty-one.

Consider these recent statistics: In Hawaii, 65% of high school youth have had at least one drink of alcohol. 27% had their first drink of alcohol, more than just a few sips, before the age of 13. 35% report that they have had at least one drink of alcohol, on one or more occasion in the past 30 days. 20% engaged in binge drinking (5 or more drinks in a row) in past 30 days.

In 2005, underage drinkers consumed 7.2% of all alcohol sold in Hawaii, totaling \$66 Million in sales. Frighteningly, more than half (50.9%) of all intermediate and high school students have been offered alcohol by someone

else. A substantial percentage of our students reported that it is “very easy” or “fairly easy” to get alcohol, and the percentages increase with age: 6<sup>th</sup> grade – 19.5%; 8<sup>th</sup> grade – 47.4%; 10<sup>th</sup> grade – 72.3%; and 12<sup>th</sup> grade – 81.7%.

Other facts to consider:

- In 2005, according to the International Institute of Alcohol Awareness (Pacific Institute for Research and Evaluation), underage drinking costs Hawai`i’s citizens \$215 million.
- Among teen mothers, fetal alcohol syndrome alone cost Hawaii \$3 million.
- 29% of all treatment admissions in this state for alcohol abuse were for youth ages 12-20.

No longer can we simply hope for change. We must act now and convince others to do the same.

Those who furnish alcohol to anyone under age 21 should serve jail time – no exceptions.

House Bill 2036, as it is currently written, undermines the collaborative efforts that have gone into raising awareness of the perils of underage drinking.

Through the Hawaii Partnership to Prevent Underage Drinking (HPPUD), a lot of work has gone into building public awareness and putting the issue front and center on the agendas of state and federal policy makers.

I urge you to give our judges the tool they need to help us protect and promote the health, well-being and potential of Hawaii’s youth by preventing alcohol use among children. We must do all we can to protect them and create an environment to take our state in the right direction.

We must make sure there is a strong deterrent in place for those individuals who supply alcohol to our keiki.

That is why I respectfully request that this committee amend HB 2036 to require mandatory jail time.

Thank you for the opportunity to testify.

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HOUSE HUMAN SERVICES AND HOUSING COMMITTEE  
Twenty-fourth State Legislature  
Regular Session of 2008  
State of Hawai`i

January 24, 2008

**RE: H.B. 2036; RELATING TO INTOXICATING LIQUOR.**

Chair Shimabukuro and members of the House Human Services and Housing Committee, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 2036.

The purpose of this bill is to amend the offense of promoting intoxicating liquor to a person under the age of twenty one to make it a petty misdemeanor rather than a misdemeanor. In addition, the bill provides that persons convicted of the offense may be ordered to serve mandatory minimum terms of imprisonment.

We support the reduction of the grade of this offense from a misdemeanor to a petty misdemeanor as the reduction will permit more expeditious resolutions to these cases since they will be adjudicated via bench trials.

We are unclear on the intent of the amendments on lines 4 to 13 on page one as they appear to give the court discretionary authority to impose mandatory minimum terms of imprisonment to persons convicted of the offense. Since the court already has discretionary authority to impose terms of imprisonment of up to thirty days for a petty misdemeanor offense, we are unsure of what the amendment intends to alter. If the bill intends to impose mandatory terms of imprisonment, it would need to replace the "may" with the word "shall."

Thank you for this opportunity to testify.

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January 23, 2008

TO: Representative Maile S. L. Shimabukuro  
Chair, Committee on Human Services & Housing  
Hawaii State Capitol, Room 309

FROM: Mihoko E. Ito, Esq.  
H.B 2036 - Relating to Intoxicating Liquor  
Hearing Date: Thursday, January, 24, 2008, 8:30 am

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Dear Chair Shimabukuro and Members of the Committee on Human Services and Housing:

I am Mihoko Ito, appearing on behalf of the Distilled Spirits Council of the United States (“DISCUS”). DISCUS is a national trade association representing producers and marketers of distilled spirits sold in the United States. Through the efforts of the Century Council, a not-for-profit organization funded solely by America’s leading distillers, the distilled spirits industry develops innovative programs used by communities nationwide to combat drunk driving and illegal, underage drinking.

H.B. 2036 as drafted proposes to modify the sentence for a person convicted of promoting intoxicating liquor to a minor from a misdemeanor to a petty misdemeanor. The downgrade of the offense from a misdemeanor to a petty misdemeanor decreases the maximum penalty that may be imposed upon a convicted person from one year to thirty days imprisonment.

DISCUS supports effective and enforceable penalties to deter underage drinking, and therefore, has initial concerns over H.B. 2036, which may impose a less severe penalty for persons convicted of promoting intoxicating liquor to minors.

We look forward to participating in further dialogue on H.B. 2036. Thank you for the opportunity to present testimony regarding this measure.