



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

H.B. NO. 2036 RELATING TO INTOXICATING LIQUOR

LATE TESTIMONY

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING

DATE: Thursday, January 24, 2008 **TIME:** 8:30 AM

LOCATION: State Capitol, Room 329
Deliver to: Committee Clerk, Room 326, 3 copies

TESTIFIER(S): Mark J. Bennett, Attorney General
or Lance M. Goto, Deputy Attorney General

Chair Shimabukuro and Members of the Committee:

The Department of the Attorney General supports the intent of this bill, but has concerns about certain provisions of the bill.

This bill amends the offense of promoting intoxicating liquor to a person under the age of twenty-one from a misdemeanor to a petty misdemeanor. It also provides that persons convicted of the offense may be ordered to serve certain terms of imprisonment.

The problem of adults who provide intoxicating liquor to minors is a serious one. Underage drinkers often convince adults to buy liquor for them, and it may be difficult for some young adults to say no to their underage friends. Minors who drive while intoxicated endanger themselves, their passengers, and others on the roadways. Intoxicated minors may engage in conduct that they would not participate in while sober, with potentially devastating consequences.

We support the intent of this bill to address this problem; however, the only substantive change made by this bill in its present form is to reduce the offense of promoting intoxicating liquor to a minor to a petty misdemeanor. This will permit more expeditious resolution of these cases because the cases will be adjudicated by bench trials instead of jury trials, but this will not deter adults from providing liquor to minors.

In its present form, this bill allows discretionary terms of imprisonment that are already possible for any misdemeanor or petty misdemeanor offense. The sentencing provisions will not serve as a deterrent unless the discretionary language is replaced by mandatory language. Specifically, the term "may" should be replaced by "shall" in lines 5, 6, 9, and 12. Adults will be less likely to provide liquor to minors if the consequence of doing so is a mandatory jail sentence.

We respectfully request that this measure be passed with the suggested amendments.

LATE TESTIMONY