
A BILL FOR AN ACT

RELATING TO DISPOSITION OF CRIMINAL OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-61.5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) For a conviction under this section, the sentence
4 shall be either:

5 (1) An indeterminate term of imprisonment of five years;

6 or

7 (2) A term of probation of five years, with conditions to
8 include:

9 (A) Mandatory revocation of license and privilege to
10 operate a vehicle for a period not less than one
11 year but not more than five years;

12 (B) Not less than ten days imprisonment, of which at
13 least forty-eight hours shall be served
14 consecutively; provided that upon completion of
15 forty-eight consecutive hours of imprisonment,
16 the person may be released on supervision, by
17 either the court or the department of public
18 safety, as appropriate, on conditions that



- 1 include use of a transdermal alcohol monitoring
- 2 device at the person's own expense;
- 3 (C) Referral to a certified substance abuse counselor
- 4 as provided in section 291E-61(d);
- 5 (D) A surcharge of \$25 to be deposited into the
- 6 neurotrauma special fund; and
- 7 (E) May be charged a surcharge of up to \$50 to be
- 8 deposited into the trauma system special fund if
- 9 the court so orders.

10 In addition to the foregoing, any vehicle owned and operated by
 11 the person committing the offense shall be subject to forfeiture
 12 pursuant to chapter 712A, provided that the department of
 13 transportation shall provide storage for vehicles forfeited
 14 under this subsection."

15 SECTION 2. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun, before its effective date.

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on January 1, 2010.

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INTRODUCED BY:

[Handwritten signatures: Karen Lewis, Bob Quinn, Joshua, Sean e, J. Michael Hernandez]

Report Title:

Felony DUI; Release; Alcohol Monitoring

Description:

Permits person convicted of habitual operation of a vehicle under the influence of an intoxicant to be released under supervision, after completion of mandatory minimum term of imprisonment on conditions that include use of a transdermal alcohol monitoring device at the defendant's own expense.

