

STAND. COM. REP. NO. 100

Honolulu, Hawaii
Feb 29, 2009

RE: H.B. No. 877
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 877 entitled:

"A BILL FOR AN ACT RELATING TO DISPOSITION OF CRIMINAL OFFENDERS,"

begs leave to report as follows:

The purpose of this bill is to strengthen public safety and reduce impaired driving recidivism by allowing a person convicted of habitually operating a vehicle under the influence of an intoxicant to be released, under supervision, after completing a mandatory term of imprisonment, on condition that the defendant be monitored by using a transdermal alcohol monitoring device.

Mothers Against Drunk Driving HAWAII testified in support of this bill. The Department of Public Safety (DPS) and Office of the Public Defender testified in opposition to this measure.

Sadly, Hawaii has one of the nation's highest percentages of alcohol-related traffic fatalities. Although persons who habitually operate a vehicle under the influence of an intoxicant are already subject to license revocation and suspension, these methods are not always an effective means of deterring this type of behavior. Requiring the use of a transdermal alcohol monitoring device, which monitors and transmits data on an individual's alcohol levels via the sampling of perspiration to authorities for analysis, is a means of properly monitoring these



individuals while not contributing to an already overcrowded prison system.


Your Committee recognizes that the initiation of this program as well as the monitoring of these individuals will cost money. Your Committee also understands the concern raised by DPS that it does not have jurisdiction over the placement of an individual on probation and that that responsibility lies with the Judiciary. Accordingly, your Committee has amended this bill by:

- (1) Clarifying that only the court may release an individual on supervision with the requirement that a transdermal alcohol monitoring device be used; and
- (2) Adding an appropriation section with an unspecified amount of moneys to fund the procurement of the transdermal alcohol monitoring devices and the monitoring of individuals wearing the devices.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

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. 877, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 877, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 100

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB877	Committee Referral: TRN, JUD	Date: 2/4/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl	✓			
9. SAIKI, Scott K.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	11			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ <i>Karen Awana</i>				
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