

FEB 26 2010

S.R. NO. 44

SENATE RESOLUTION

REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE
OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE
INFLUENCE OF AN INTOXICANT.

1 WHEREAS, driving while intoxicated is a serious offense
2 that claims lives and seriously injures people; and
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4 WHEREAS, the offense of operating a vehicle under the
5 influence of an intoxicant (section 291E-61(a), Hawaii Revised
6 Statutes) provides for a blood alcohol threshold of .08 grams of
7 alcohol per one hundred cubic centimeters of blood, or for a
8 breathalyzer threshold of .08 grams of alcohol per two hundred
9 ten liters of breath; and
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11 WHEREAS, the current threshold for breath or blood alcohol
12 level is probably too high for most drivers who drink before
13 driving; and
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15 WHEREAS, drivers who drink before driving may have impaired
16 driving ability at levels far below current thresholds for blood
17 and breath levels of blood alcohol; and
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19 WHEREAS, current law provides for imprisonment for
20 conviction of the class C felony offense of habitually operating
21 a vehicle under the influence of an intoxicant, defined under
22 section 291E-61.5, Hawaii Revised Statutes, as having three or
23 more prior convictions within ten years, as follows:
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25 (1) An indeterminate term of imprisonment of five years;
26 or
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28 (2) Mandatory imprisonment of not less than ten days, of
29 which at least forty-eight hours shall be served
30 consecutively, as a condition for a sentence of
31 probation; and
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33 WHEREAS, a longer mandatory term of imprisonment, whether
34 as a condition of probation or as part of a sentence to the full



1 five year indeterminate term, is not unreasonable to deter the
2 offender from driving while drunk; now, therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-fifth
5 Legislature of the State of Hawaii, Regular Session of 2010,
6 that the Department of Transportation is requested, in
7 collaboration with the Honolulu Police Department, to recommend
8 increased penalties for the offense of habitually operating a
9 vehicle under the influence of an intoxicant, including but not
10 limited to, increased mandatory terms of imprisonment and
11 impounding of the vehicle; and

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13 BE IT FURTHER RESOLVED that the recommendations include the
14 costs of implementing the recommended increased penalties as
15 well as recommendations on how to mitigate such costs for the
16 implementing agencies; and

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18 BE IT FURTHER RESOLVED that the Department of
19 Transportation report its findings and recommendations to the
20 Legislature no later than twenty days prior to the convening of
21 the Regular Session of 2011; and

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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Director of Transportation, the
25 Chief of Police of the Honolulu Police Department, and the
26 Honolulu Prosecuting Attorney.

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OFFERED BY: Josh Muenno
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