

FEB 26 2010

SENATE CONCURRENT RESOLUTION

REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE
OFFENSE OF OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF
AN INTOXICANT AS IT PERTAINS TO HIGHLY INTOXICATED DRIVERS.

1 WHEREAS, driving while intoxicated continues to be a
2 serious problem in Hawaii, which averages about six thousand
3 driving under the influence arrests each year; and
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5 WHEREAS, in 2008, forty per cent of the car crash deaths in
6 Hawaii involved a driver who had .08 per cent blood-alcohol
7 content (the legal limit) or higher, and there were forty-two
8 such deaths in 2008, all of which were preventable; and
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10 WHEREAS, liquor establishments should not be serving
11 alcohol to patrons who already exhibit obvious signs of being
12 under the influence of alcohol; and
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14 WHEREAS, for a drunk driving offense committed by a highly
15 intoxicated driver (defined under section 291E-1, Hawaii Revised
16 Statutes, as having a measurable amount of alcohol of 0.15 or
17 more grams of alcohol per one hundred milliliters or cubic
18 centimeters of the person's blood, or 0.15 or more grams of
19 alcohol per two hundred ten liters of the person's breath), not
20 preceded within a five-year period by a conviction for drunk
21 driving, the defendant's motor vehicle should be impounded, in
22 addition to other penalties currently provided; and
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24 WHEREAS, for a drunk driving offense that occurs within
25 five years of a prior conviction for drunk driving, the court
26 should order impoundment for one year of the defendant's motor
27 vehicle, and the defendant should be required to enroll in and
28 complete a substance abuse rehabilitation program, in addition
29 to other penalties currently provided; and
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31 WHEREAS, for a drunk driving offense that occurs within
32 five years of two prior convictions for drunk driving, the



1 defendant should serve a mandatory minimum sentence of one year
 2 imprisonment, the defendant's motor vehicle should be impounded
 3 for five years, and the defendant should enroll in and complete
 4 a substance abuse rehabilitation program,
 5 in addition to other penalties currently provided; now,
 6 therefore,
 7

8 BE IT RESOLVED by the Senate of the Twenty-fifth
 9 Legislature of the State of Hawaii, Regular Session of 2010, the
 10 House of Representatives concurring, that the Department of
 11 Transportation is requested, in collaboration with the Honolulu
 12 Police Department, to recommend increased penalties for the
 13 offense of operating a vehicle under the influence of an
 14 intoxicant, including but not limited to, increased mandatory
 15 terms of imprisonment and impounding of the vehicle; and
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17 BE IT FURTHER RESOLVED that the liquor commissions of the
 18 respective counties are encouraged to adopt rules to prohibit
 19 the serving of alcohol to patrons who already exhibit obvious
 20 signs of being under the influence of alcohol; and
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22 BE IT FURTHER RESOLVED that certified copies of this
 23 Concurrent Resolution be transmitted to the Director of
 24 Transportation, the Chief of Police of the Honolulu Police
 25 Department, the Honolulu Prosecuting Attorney, and the Liquor
 26 Commission of each county.
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OFFERED BY: Josh [Signature]
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