

FEB 26 2010

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## SENATE 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  
33 defendant should serve a mandatory minimum sentence of one year  
34 imprisonment, the defendant's motor vehicle should be impounded



1 for five years, and the defendant should enroll in and complete  
 2 a substance abuse rehabilitation program,  
 3 in addition to other penalties currently provided; now,  
 4 therefore,  
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6 BE IT RESOLVED by the Senate of the Twenty-fifth  
 7 Legislature of the State of Hawaii, Regular Session of 2010,  
 8 that the Department of Transportation is requested, in  
 9 collaboration with the Honolulu Police Department, to recommend  
 10 increased penalties for the offense of operating a vehicle under  
 11 the influence of an intoxicant, including but not limited to,  
 12 increased mandatory terms of imprisonment and impounding of the  
 13 vehicle; and  
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15 BE IT FURTHER RESOLVED that the liquor commissions of the  
 16 respective counties are encouraged to adopt rules to prohibit  
 17 the serving of alcohol to patrons who already exhibit obvious  
 18 signs of being under the influence of alcohol; and  
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20 BE IT FURTHER RESOLVED that certified copies of this  
 21 Resolution be transmitted to the Director of Transportation, the  
 22 Chief of Police of the Honolulu Police Department, the Honolulu  
 23 Prosecuting Attorney, and the Liquor Commission of each county.  
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 25  
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OFFERED BY: John M. ...  
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