

Honolulu, Hawaii

MAR 02 2010

RE: S.B. No. 2897

S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2897, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this measure is to implement the recommendations developed by the Hawaii Ignition Interlock Implementation Task Force (Task Force).

Specifically this measure:

- (1) Creates a system of ignition interlock laws and mandatory sentencing for all convicted impaired driving offenders;
- (2) Establishes penalties for tampering and circumventing the interlock devices or aiding and abetting someone else to do so;
- (3) Makes refusal to submit to a breath, blood, or urine alcohol intoxication test a petty misdemeanor;
- (4) Removes the definition of "highly intoxicated driver", amends the definition of "ignition interlock device", and inserts the definition of "valid license";
- (5) Clarifies the criminal penalties for operating a vehicle under the influence of an intoxicant;



- (6) Removes probation from the sentencing program for all offenders; and
- (7) Reinstates the section relating to the administrative impoundment of license plates and the revocation of vehicle registration by repeat offenders that was previously removed by Act 171, Session Laws of Hawaii 2008.

Written comments in support of this measure were received from one state agency and one organization. Comments in support of the intent of this measure with amendments were submitted by three state agencies and one organization. Comments were received by two state agencies. All comments presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that a strong ignition interlock program will help prevent alcohol-related crashes and reduce accident fatalities. As of 2008, forty-three per cent of all drivers involved in traffic fatalities in Hawaii tested positive for alcohol and drivers involved in fatal crashes were three times more likely than other drivers to have had a previous conviction for driving under the influence.

Ignition interlocks are an effective way of increasing the safety of all road users by mechanically preventing convicted drunk drivers from operating a vehicle with alcohol in their system. Ignition interlock bills are being adopted by an increasing number of states and because of their high success rates the federal government is considering implementing an act requiring all states to adopt ignition interlock laws.

Your Committee recognizes that during these difficult economic times adjustments must be made to reduce the cost of programs addressing ongoing problems. Your Committee further finds that the Task Force has done an excellent job of producing a cost-effective program that operates within our State's strict budgetary limits without sacrificing efficacy.

Your Committee finds that the recommendations from the Task Force create a realistic and practical ignition interlock program that focuses on teaching and correcting behavior first and punitive measures second.



Your Committee has amended this measure by:

- (1) Clarifying that any person who knowingly aids or abets the circumvention of an interlock requirement will be charged under section 291E-B, Hawaii Revised Statutes, as amended by this measure rather than section 286-133, Hawaii Revised Statutes;
- (2) Inserting language to provide partial financial relief for the ignition interlock installation and maintenance costs for indigent persons;
- (3) Changing the effective date of this measure to January 1, 2011, upon the enactment of sections 2 through 11 of Act 88, Session Laws of Hawaii 2009, to ensure that all amendments are applied to offenders arrested in 2011 consistently; and
- (4) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2897, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2897, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

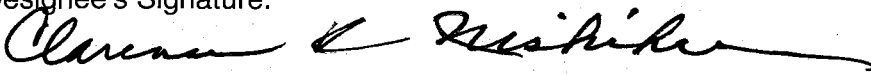


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2897, SDI	TIA, JGO	2/23/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓		✗	
TOTAL	4	-	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes