



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

February 8, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2296

COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this bill.

Manslaughter and negligent homicide are deaths, usually involving a motor vehicle and alcohol. This is a serious offense as it involves the life of another. Although we agree with the penalties imposed regarding the revocation of the driver's license, we think that the revocation should also be extended to include negligent homicide in the second degree.

We recommend that paragraph (3) be added to include negligent homicide in the second degree to include the revocation of a license, between two and five years.

These added penalties would be consistent with operating a vehicle under the influence of an intoxicant, but because it involves the death of another, an ignition interlock would not be involved in this penalty.

We urge your support of this bill and your consideration of extending the penalties to include the revocation of a person's driver's license for the conviction of negligent homicide in the second degree.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE JOSEPH SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE**

**Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai`i**

February 8, 2010

RE: H.B. 2296; RELATING TO HIGHWAY SAFETY.

Chair Souki and members of the House Committee on Transportation, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 2296.

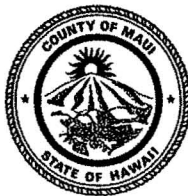
The purpose of this bill is to require a lifetime driver's license revocation for persons convicted of manslaughter resulting from the operation of a motor vehicle. In addition, H.B. 2296 provides for a driver's license revocation of not less than five years but not more than ten years for a person convicted of negligent homicide in the first degree. Finally, the bill authorizes the court to sentence a defendant convicted of manslaughter to two years of imprisonment as a condition of probation.

Currently a mandatory license revocation is required upon a conviction of manslaughter resulting from the operation of a motor vehicle, but the law does not indicate how long the revocation should be. H.B. 2296 rectifies this by providing for a lifetime driver's license revocation which we believe is justified due to the fact that the defendant's reckless conduct while operating a motor vehicle resulted in someone's death. In addition, H.B. 2296 mandates a driver's license revocation period of not less than five years but not more than ten years for person's convicted of negligent homicide in the first degree. Under current law, the court has discretionary authority to revoke or suspend the license of a person convicted of negligent

homicide in the first degree for a period of not more than five years. Given that conviction of negligent homicide in the first degree requires a driver to have caused the death of another person by the operation of a vehicle while under the influence of drugs or alcohol, we believe that a mandated period of revocation is appropriate.

For these reasons, we support the passage of H.B. 2296 and thank you for this opportunity to testify.

CHARMAINE TAVARES
Mayor



BENJAMIN M. ACOB
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February 4, 2010

HONORABLE JOSEPH M. SOUKI, CHAIR
HONORABLE KAREN LEINANI AWANA, VICE CHAIR
COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,
IN SUPPORT OF H.B. NO. 2296
RELATING TO CRIME.

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui supports H.B. 2296, Relating to Crime.

The amendments set forth in H.B. No. 2296 are important because they provide unambiguous guidance to a court when sentencing a defendant for manslaughter.

Specifically, the bill amends the existing law to make it clear that the license of any driver convicted of manslaughter resulting from the operation of a motor vehicle, shall be revoked for life. Presently, the law is unclear as to the duration of a license suspension. In fact, recently, a Maui man, Terrence Vasquez, was arrested on suspicion of driving under the influence of alcohol after being paroled two years ago. In 2000, Mr. Vasquez was convicted of manslaughter in a 1998 drunken-driving traffic death. It was reported that Mr. Vasquez works as a commercial driver for a local trucking company. The fact that Mr. Vasquez is still legally allowed to drive on our public roadways is extremely troubling.

In addition to the above, H.B. 2296 seeks to amend HRS section 286-124 by permitting a sentencing court to suspend a defendant's driver's license from five (5) to ten (10) years, when a defendant is convicted of negligent homicide in the first degree. Under existing law, a court may impose up to a five (5) year license suspension. The proposal provides a "graduated" license suspension depending upon the severity of the offense.

Finally, H.B. 2296 expressly provides a sentencing court with the discretion to impose a term of imprisonment of up to two (2) years as a condition of probation involving manslaughter. Currently, the law is unclear as to the amount of jail time a court may impose when the charge involves manslaughter. This apparent glitch in the law may be due to an oversight because, up until 1996, manslaughter was previously a class B felony. (See Act 197, Session Laws 1996).

Accordingly, our Department strongly supports H.B. 2296. Thank you for the opportunity to testify.

(H.B. 2296, Relating to Crime)



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February 1, 2010

To: Representative Joseph M. Souki, Chair – House Committee on Transportation;
Representative Karen Leinani Awana, Vice Chair; and members of the committee

From: Arkie Koehl — Chairman, Operations Council, MADD Hawaii

Re: House Bill 2752 – Relating to Highway Safety

I am Arkie Koehl speaking on behalf of the membership of MADD Hawaii in support of House Bill 2296, relating to crime.

This bill makes it clear that a driver who is under the influence of an intoxicant and kills another person will be sanctioned by revocation of his or her driver's license. The bill specifies a lifetime revocation for manslaughter and a five to ten year revocation for negligent homicide in the first degree. MADD strongly believes that the licenses of these offenders should be revoked. Although many judges may already be sanctioning these felons with a drivers license revocation, MADD agrees that it is appropriate to formalize this penalty in the statutes.

As of January 1, 2011, OVUII drivers will be required to install an ignition interlock device in any vehicle they operate. The Ignition Interlock Task Force did not include felony offenders – those convicted of habitual OVUII; negligent homicide; negligent injury; or manslaughter in the Interlock program outlined in Act 171; Act 88; and in the 2010 legislation pending in this legislative session. However, the Task Force understands that interlock eligibility for these offenders is an issue to be discussed in the future, once the basic interlock system has been established, implemented and tested for a period of time.

MADD suggests that this bill should also cover the crime of negligent injury and that the offenders charged with this crime also be given a 5 to 10 year license revocation.

Thank you for the opportunity to testify. MADD encourages the passage of HB 2296.