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IN REPLY REFER TO:

March 17, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE CONCURRENT RESOLUTION NO. 164

COMMITTEE ON TRANSPORTATION

The Department of Transportation opposes this concurrent resolution. It is not usually the position of the Department of Transportation to determine the how long a convicted person should remain incarcerated. If there is a maximum sentence set by law, it is usually the Judiciary that makes the determination of how long that person should remain incarcerated. We hope that with the proposed ignition interlock program, we will have fewer offenders who will be in this position in the future.



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March 17, 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: HCR 164/HR101– Requesting a Recommendation on Increased Penalties for the
Offense of Habitually Operating a Vehicle under the Influence of an Intoxicant

I am Arkie Koehl, testifying on behalf of the Hawaii members of Mothers Against Drunk Driving. HCR 164/HR101 asks for a recommendation on increasing the penalties for the offense of “Habitually Operating a Vehicle under the Influence of an Intoxicant.”

MADD Hawaii understands and appreciates the concerns relating to habitual OVUII offenders who pose an enormous risk to public safety unless they have been able to make a major change in their lives. The issue of the most effective methods of sanctioning these offenders with multiple prior offenses is important, but also difficult. Therefore, MADD would like to amend this resolution to suggest that a larger group be identified to research the issue rather than have only two entities: DOT and HPD, make an outright recommendation. It would be very important for the County prosecutors’ offices, the Office of the Public Defender and the Office of the Attorney General to be involved in any amendment to Hawaii statutes.

After Ignition Interlock has been in effect for at least one year, it is possible that the interlock program could be expanded to include habitual offenders depending on what research shows on the percent of habitual offenders which would actually be eligible to use the device. Because habitual offenders who have not undergone substance abuse treatment will undoubtedly continue to abuse alcohol, alcohol detecting technology such as the SCRAM ankle bracelets may be another possible sanction for this group of offenders. The issue of impoundment is also of interest to MADD and we understand that there are many factors to be considered in its feasibility for the state of Hawaii. These are only a few of the considerations in the realm of possible sanctions for the habitual OVUII offender.

MADD Hawaii believes that the topic of repeat OVUII offenders deserves serious study by a larger group of stake-holders and therefore requests that this resolution be changed to reflect a broader approach to this issue.

Thank you for this opportunity to testify.