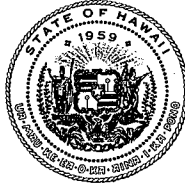


SCR 112

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
INTERIM DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 22, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE CONCURRENT RESOLUTION NO. 112

COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS

The Department of Transportation opposes this concurrent resolution. It is not usually the position of the Department of Transportation to determine 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. Furthermore, this concurrent resolution conflicts with the direction of the proposed ignition interlock program, which we believe is a much greater deterrent and tool to reduce the occurrence of driving under the influence. We hope that with ignition interlock, we will have fewer offenders who will be in this position in the future.



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.com

March 22, 2010

To: Senator Kalani English, Chair – Senate Committee on Transportation,
International and Intergovernmental Affairs; Senator Mike Gabbard, Vice
Chair; and members of the committee

From: Arkie Koehl – Chairman, Operations Council - MADD Hawaii

Re: SCR 112– 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, in support of the intent of SCR 112, which 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 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.