

STAND. COM. REP. NO.

267

Honolulu, Hawaii

Feb 15, 2011

RE: H.B. No. 393
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 393 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to enhance the safety of Hawaii's roadways by:

- (1) Amending the driver's license revocation provision to:
 - (A) Require a lifetime revocation for manslaughter involving the operation of a vehicle;
 - (B) Five to ten years for negligent homicide in the first degree; and
 - (C) Two to five years for negligent homicide in the second degree;

and

- (2) Allowing up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.

HB393 HD1 HSCR TRN HMS 2011-2063



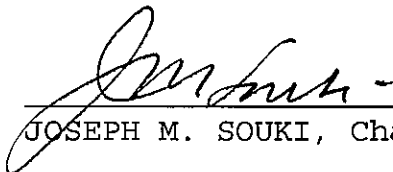
The Department of the Prosecuting Attorney of the County of Maui (Maui Prosecutor) and Maui Police Department testified in support of this bill.

Over the past several years, Hawaii has had a high incidence of traffic fatalities, including a number of pedestrian fatalities. Sadly, this trend appears to be continuing. One method of addressing this issue has been to require the courts to revoke the license of a driver upon the conviction of the driver of manslaughter resulting from the operation of a motor vehicle. However, the law is presently unclear as to the duration of this revocation. According to the Maui Prosecutor, there have been a number of instances where defendants have requested reinstatement of their license to operate a motor vehicle after only one year of revocation. This measure provides unambiguous guidance to the courts by establishing sentencing guidelines for manslaughter and negligent homicide as a result of operating a motor vehicle.

Your Committee notes, however, that discussions should be continued on this measure to determine the adequacy and reasonableness of the sentencing provisions in this measure. Accordingly, your Committee has amended this bill by changing its effective date to July 1, 2050; to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



