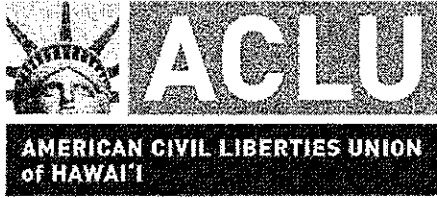


SB 110

RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS.

Establishes an immunity from prosecution for consumption of intoxicating liquor by a minor if the minor summons medical treatment for another minor who requires such treatment as a result of consuming liquor. Also provides that immunity may be provided to the intoxicated minor and one or two other minors assisting the summoning minor.



Committee: Committee on Public Safety, Government Operations and Military Affairs
Hearing Date/Time: Tuesday, February 8, 2011, 3:15 p.m.
Place: Room 224
Re: Testimony of the ACLU of Hawaii in Support of S.B. 110,
Relating to Intoxicating Liquor Violations for Minors

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee on Public Safety,
Government Operations and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 110, Relating to Intoxicating Liquor Violations for Minors. This bill, which removes a common obstacle to seeking help in overdose situations, namely the fear of police involvement, encourages witnesses to call for help. In short, this bill may help to save lives jeopardized by an alcohol overdose. It reflects sound public policy.

The ACLU of Hawaii also encourages the Committee to expand this measure to include the same protections for drug overdoses.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
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the
**Drug Policy
Forum**
of hawai'i

February 8, 2011

To: Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Public Safety, Government Operations, and
Military Affairs

From: Jeanne Y. Ohta, Executive Director

RE: SB 110 Relating to Intoxicating Liquor Violations Involving Minors
Hearing: Tuesday, February 8, 2011, 3:15 p.m., Room 224

Position: Support

Good afternoon Chair Espero, Vice Chair Kidani, and members of the Committee. I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i testifying in support of this measure.

This measure recognizes that many alcohol-related incidences occur when minors are in groups of close friends or acquaintances. Providing limited legal immunity encourages those minors present at the time of a medical emergency to call for help immediately.

Minors are often afraid of arrest even in cases when their friends or family need professional medical assistance. They may try other methods to revive the victim instead of calling 911.

The U.S. Conference of Mayors (2008) adopted a resolution which supports the establishment of Good Samaritan policies to reduce the number of preventable overdose deaths.

The measure puts the focus on saving lives and preventing deaths rather than on arresting victims and their friends for drinking alcohol.

Please pass SB 110; it is sensible policy which can help save lives.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:53 AM
To: PGM Testimony
Cc: victorinos14@maryknollschool.org
Subject: Testimony for SB110 on 2/8/2011 3:15:00 PM

Testimony for PGM 2/8/2011 3:15:00 PM SB110

Conference room: 224

Testifier position: support

Testifier will be present: No

Submitted by: Shane Victorino

Organization: Individual

Address:

Phone:

E-mail: victorinos14@maryknollschool.org Submitted on: 2/7/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:52 AM
To: PGM Testimony
Cc: foyl14@maryknollschool.org
Subject: Testimony for SB110 on 2/8/2011 3:15:00 PM
Attachments: testemony.docx

Testimony for PGM 2/8/2011 3:15:00 PM SB110

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Lyndsey Foy
Organization: Individual
Address:
Phone:
E-mail: foyl14@maryknollschool.org
Submitted on: 2/7/2011

Comments:

Lyndsey Foy
February 7, 2011

A Bill For An Act (S.B. NO. 110)

Dear Chairman Will Espero and Committee Members,

My name is Lyndsey Foy and I am a freshman at Maryknoll High School.

Recently my class has taken interest in the new bills that have been proposed to the Legislature. We have looked at bills involving the civil union rights, fireworks, and homelessness but I have taken interest in S. B. NO. 110 relating to intoxication liquor involving minors.

This is a bill that I think would benefit everyone in Hawaii because it addresses the issue that is in most people's minds when some passes out on their couch after a party, "Am I going to get in trouble?" "This isn't good." "Is he/she still breathing?" "Do I call the cops?" If this bill is passed it will abolish those questions. It will provide minors with immunity from prosecution for the consumption, purchase, or possession of liquor under the circumstances where a minor summons medical treatment for another minor. Because minors would know this law, if it were passed, it would make them feel safer and better about calling the police in an incident where someone is passed out on their couch. This bill could save lives if it was passed and therefore it should be passed. If I were in a situation where I wasn't sure whether or not to call the police because I didn't want to get in trouble, knowing this law I wouldn't hesitate to call the police.

Another thing I like about this bill is that it only provides immunity for the people who stay with the minor that needs medical assistance along with the minor because I do not feel that people who flee the scene of a party and later get caught should be under the immunity of this bill. The only question I have about this bill is that it only talks about people under the age of eighteen but what about people over the age of eighteen, does

this bill protect them also? This is a bill that should diffidently be approved because of the lives it would save and the opportunities it would provide for minors that would otherwise not think twice.

Sincerely,

Lyndsey Foy

Foyl14@maryknollschool.org

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:52 AM
To: PGM Testimony
Cc: Tanakan14@maryknollschool.org
Subject: Testimony for SB110 on 2/8/2011 3:15:00 PM
Attachments: Testimony.docx

Testimony for PGM 2/8/2011 3:15:00 PM SB110

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Nicole Tanaka
Organization: Maryknoll school
Address:
Phone:
E-mail: Tanakan14@maryknollschool.org
Submitted on: 2/7/2011

Comments:

Nicole Tanaka
February 7, 2011

Dear chairman Will Espero and Committee members,

My name is Nicole Tanaka from Maryknoll High school. My class and I are searching up bills and writing if we oppose it or support it. I am pleased that today that I am in support for the Senate Bill 110. I found this bill very interesting because it was about how teenagers who drink won't be prosecuted if they need any medical help. This bill really caught my eye because usually when there is an under aged drinker, and someone was seriously injured and called for help they would be prosecuted. But because of this bill teenagers who drink and need help them won't hesitate anymore to ask for help.

I really support this bill because if someone needs help but was under the influence of alcohol they don't need to worry about being prosecuted. Because when a teenager is drunk and they go into a coma, but yet they don't call for help the situation will become worse. The thing that I really like about this bill was that the bill stated that "the purpose of this act is to provide minors with immunity from prosecution for the consumption, purchase or possession of liquor under limited circumstances where a minor summons medical treatment for another minor who needs medical treatment as a result of consuming liquor."

But there are some downs about this bill too. Because they think that if they drink and that they need medical help but they can't get arrested they would think that they can do it all the time. Sometimes also maybe some people will not listen to the bill.

Sincerely,
Nicole Tanaka
Tanakan14@maryknollschool.org

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:54 AM
To: PGM Testimony
Cc: smithi14@maryknollschool.org
Subject: Testimony for SB110 on 2/8/2011 3:15:00 PM
Attachments: Dear Senator.docx

Testimony for PGM 2/8/2011 3:15:00 PM SB110

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: isaiah smith
Organization: Individual
Address:
Phone:
E-mail: smithi14@maryknollschool.org
Submitted on: 2/7/2011

Comments:

February 7, 2011

Dear chairman Will Espero and committee members,

I am a freshman student currently attending Maryknoll high school. My name is Isaiah Smith, and I am in supporting position of the bill (Intoxicating Liquor violations involving minors). My class and I are currently talking about the Bills that still is going through the process of being passed and while studying this my group decided that this was a great bill to talk about.

The reason on why I like this bill is because it shows the under age drinkers that even if they drink under age the doctors care but they still care about your health more. This shows that the doctors treat their patients about health and safety before punishment. Another thing I like about this bill is that it makes the underage drinkers not be afraid if they need help with an emergency they have nothing to be scared of if they need to make an emergency call. Although the doctors or nurses cant fine or charge the violators the guardians of the underage drinkers could get busted from their guardians. The consequences that this bill contains are not too harsh and I think that the consequences given are the things that would make the underage minors from doing that crime again. The thing that I don't like about this bill is that if there is an underage drinker who are homeless or are left unattended without guardians, they probably won't care about getting busted. Because some times the criminal wont learn the lesson the first time they get in trouble and some of the minors are not capable of getting the punishment of the following that was included.

In concern of this bill, I think that if the underage minor or teenager does it once and gets released then does it again, he/she should be fined. Sometimes people would take advantage of this bill and think that it's not wrong to drink when your underage.

Sincerely,
Isaiah Smith
Smithi14@maryknollschool.org