

Honolulu, Hawaii

April 26 , 2012

RE: H.B. No. 1666  
H.D. 1  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1666, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote highway safety by amending the offenses of negligent homicide in the first degree, negligent homicide in the second degree, and negligent injury in the first degree to include provisions for incidents involving a vulnerable highway user.

Hawaii's roadways have often been called dangerous for pedestrians, cyclists, and others who legally use the public right of way without being in a motor vehicle. Unfortunately, when collisions occur between motor vehicles and these individuals, the outcome is often catastrophic. Amending the offenses of negligent homicide in the first degree, negligent homicide in the second

HB1666 CD1 HCCR HMS 2012-3712



degree, and negligent injury in the first degree to include provisions for incidents in which these vulnerable highway users are involved may, at the very least, increase driver awareness of these individuals.

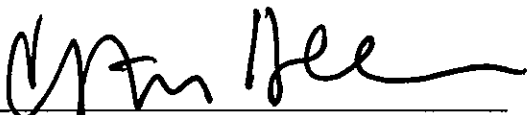
Your Committee on Conference has amended this measure by clarifying that the term of "simple negligence" when used under the offense of negligent homicide in the second degree as applicable to the operation of a vehicle when it involves the death of a vulnerable user shall have the same meaning as that used for "simple negligence" under the offense of negligent homicide in the third degree under the Penal Code.

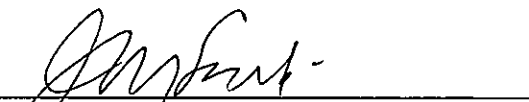
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1666, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1666, H.D. 1, S.D. 1, C.D. 1.

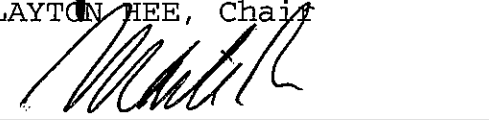
Respectfully submitted on behalf of the managers:

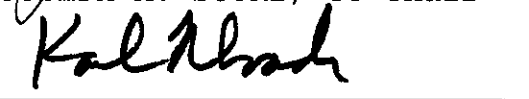
ON THE PART OF THE SENATE

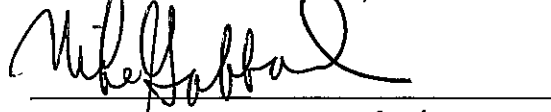
ON THE PART OF THE HOUSE

  
\_\_\_\_\_  
CLAYTON HEE, Chair

  
\_\_\_\_\_  
JOSEPH M. SOUKI, Co-Chair

  
\_\_\_\_\_  
MAILE SHIMABUKURO, Co-Chair

  
\_\_\_\_\_  
KARL RHOADS, Co-Chair

  
\_\_\_\_\_  
MIKE GABBARD, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>HB 1666, HD 1, SD 1</b>	Date/Time: <b>4/24/12 2:02 pm</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓	✓			SOUKI, Joseph M., Co-Chr.	✓	✓		
SHIMABUKURO, Maile S.L., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
GABBARD, Mike, Co-Chr.				✓	HAR, Sharon E.				✓
					FONTAINE, George R.	✓			
<b>TOTAL</b>	<b>2</b>			<b>1</b>	<b>TOTAL</b>	<b>3</b>			<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency