

Honolulu, Hawaii

Feb 7 , 2012

RE: H.B. No. 1666

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

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1666 entitled:

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

begs leave to report as follows:

The purpose of this measure is to promote highway safety by:

- (1) Establishing mandatory minimum sentencing for negligent homicide or negligent injury involving the operation of a motor vehicle when a vulnerable highway user is involved; and
- (2) Raising the grade or class of offense for negligent homicide in the second degree, negligent homicide in the third degree, and negligent injury in the second degree when the incident involves a vulnerable highway user.

The Maui Bicycle Alliance, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Bicycling League, and numerous concerned individuals testified in support of this measure. Several concerned individuals testified in opposition to this measure.

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. Establishing mandatory minimum

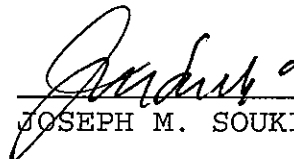


sentencing and increasing penalty provisions for negligent homicide or negligent injury involving the operation of a motor vehicle when these vulnerable highway users are involved may, at the very least, increase driver awareness of these individuals.

Although your Committee understands the concerns raised that this measure may create inequitable punishment for similar situations simply based on whether a victim is identified as a vulnerable user or not, this legal question is beyond the purview of your Committee on Transportation. Your Committee on Transportation respectfully requests your Committee on Judiciary to look further at this issue.

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. 1666 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1666	Committee Referral: TRN, JUD	Date: 2/1/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom				✓
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	11			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Linda Ichiyama</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				