

Honolulu, Hawaii

APR 05 2012

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1666, H.D. 1, entitled:

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

begs leave to report as follows:

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

- (1) Increasing penalties for criminal offenses of negligent homicide in the second and third degrees and negligent injury in the second degree where the victim is a vulnerable user; and
- (2) Adding definitions for "vulnerable user" in the Penal Code.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Police Department of the City and County of Honolulu, Maui Bicycle Alliance, Hawaii Bicycling League, and three private individuals. Testimony in opposition to this measure was submitted by the Office of the Public Defender. The Department of Transportation submitted comments.

Your Committee finds that Hawaii's roadways can be 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, serious injury or death may result. This measure promotes greater street and highway safety by increasing the grade of the criminal penalty of certain negligent homicide and injury offenses.

Your Committee notes the testimony submitted by the Department of the Attorney General that establishing different grades of penalties for the same criminal offense may cause confusion and make it difficult to maintain accurate criminal history records.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the amendments suggested by the Department of the Attorney General, which amend the offenses of negligent homicide in the first degree and second degree and negligent injury in the first degree to include offenses against a vulnerable user and do not establish different grades of penalties for the same criminal offense;
- (2) Specifying under the offense of negligent injury in the first degree that causing, by the operation of a motor vehicle in a negligent manner, serious bodily injury to another person or substantial bodily injury to a vulnerable user constitutes the offense;
- (3) Changing the effective date from January 7, 2059, to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1666, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1666, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

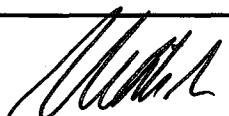


CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1660, HD1	JDL	ms 3/19/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes