

Honolulu, Hawaii

Feb 14, 2012

RE: H.B. No. 1791

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. 1791 entitled:

"A BILL FOR AN ACT RELATING TO HOMICIDE,"

begs leave to report as follows:

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

- (1) Requiring driver's license revocations of up to ten years upon a conviction of a driver of manslaughter resulting from the operation of a motor vehicle;
- (2) Requiring driver's license revocations of up to five years upon convictions for negligent homicide in either the first or second degree;
- (3) Making imprisonment of up to two years a discretionary condition of probation for manslaughter convictions; and
- (4) Clarifying that probation is an available sentence for manslaughter.

The Department of Transportation and Department of the Prosecuting Attorney of the County of Maui testified in support of this measure.

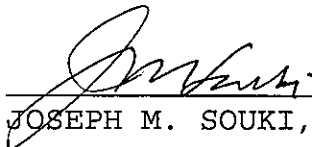


Presently, when a driver is convicted of manslaughter resulting from the operation of a motor vehicle, a court is required to revoke the driver's license to operate a motor vehicle. However, the length of time of the revocation remains unclear. Furthermore, there is no such license revocation provision for drivers convicted of negligent homicide in the first or second degree. Allowing the courts the discretion to impose license revocation periods up to a maximum revocation period would help to ensure the safety of Hawaii's roadways.

Your Committee also notes that, according to the Prosecuting Attorney of the County of Maui, current law is not clear about whether a sentence of probation is possible for a manslaughter conviction and if probation is imposed, the amount of jail time a court may impose as a condition of probation. This lack of clarity has led to courts and prosecutors throughout the State interpreting the law differently. This measure attempts to clarify this confusion.

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. 1791 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

HSCR320-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1791	Committee Referral: TRN, JUD	Date: 2/8/12		
<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)	10			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><i>Linda Ichiyama</i></u>				
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