

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 1791

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

Sir:

Your Committee on Transportation and International Affairs,
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 and intent of this measure is to:

- (1) Require a court to revoke the license of any driver for a period of up to ten years upon a conviction of the driver of manslaughter resulting from the operation of a motor vehicle;
- (2) Require a court to revoke the license of any driver for a period of up to five years upon a conviction of the driver of negligent homicide in the first degree or negligent homicide in the second degree;
- (3) Allow a court to sentence a defendant, as a condition of a sentence of probation, to serve a term of imprisonment not exceeding two years for a conviction of manslaughter; and
- (4) Exempt a person convicted of manslaughter from mandatory sentencing to an indeterminate term of imprisonment of twenty years, but allow that person to be sentenced to an indeterminate term of imprisonment.



Your Committee received testimony in support of this measure from the Department of Transportation, Attorney General, and the County of Maui Prosecuting Attorney.

Your Committee finds that this measure provides for license revocation periods that are appropriate and justified for those who have been convicted of serious traffic-related fatalities. Your Committee further finds that this measure provides necessary clarity regarding the imposition of a term of imprisonment, as a condition for probation, for a person convicted of manslaughter and makes section 706-659, Hawaii Revised Statutes, consistent with section 706-620(2), Hawaii Revised Statutes, which allows for a sentence of probation for an offense of manslaughter.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs 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 and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1791	TIA, JDL	3-21-12		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
ESPERO, Will (VC)				✓
DELA CRUZ, Donovan M.				✓
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
SLOM, Sam				✓
TOTAL	4	-	-	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Mike Gabbard</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes