

STAND. COM. REP. NO.

811

Honolulu, Hawaii

March 8, 2011

RE: H.B. No. 393

H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 393, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to enhance the safety of Hawaii's roadways by:

- (1) Requiring the courts to impose license revocation for life for a driver convicted of manslaughter resulting from the operation of a motor vehicle;
- (2) Giving the courts discretion to impose license revocation for a period of five to ten years for any driver convicted of negligent homicide in the first degree;
- (3) Giving the courts discretion to impose license revocation for a period of two to five years for any driver convicted of negligent homicide in the second degree; and
- (4) Allowing up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.

HB393 HD2 HSCR JUD HMS 2011-2707



Maui Police Department and the County of Maui Department of the Prosecuting Attorney testified in support of this bill. The Office of the Public Defender testified in opposition to this measure.

Upon consideration, your Committee has amended this bill by:

- (1) Giving courts discretion to impose license revocation for:
  - (a) A period up to ten years for any driver convicted of manslaughter resulting from operating a motor vehicle; and
  - (b) A period up to five years for any driver convicted of negligent homicide in the first degree or negligent homicide in the second degree;
- (2) Clarifying that probation is an applicable sentence for manslaughter; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 393, H.D. 2.

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

  
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GILBERT KEITH-AGARAN Chair



