

STAND. COM. REP. NO.

881

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 393  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,  
to which was referred H.B. No. 393, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent of this measure is to require any court of competent jurisdiction to immediately 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. This measure also clarifies that a court may sentence a person convicted of the class A felony of manslaughter for up to two years of imprisonment.

Your Committee received testimony in support of this measure from the Department of the Attorney General, County of Maui Department of the Prosecuting Attorney, and Mothers Against Drunk Driving HAWAII. Your Committee received testimony in opposition to this measure from one individual.

Section 286-124, Hawaii Revised Statutes, currently requires the court to revoke the license of any driver convicted of a manslaughter offense resulting from the operation of a motor vehicle, but it does not specify any time period for the mandatory revocation. While this measure sets the maximum possible terms for the mandatory license revocation, the court retains discretion to determine the specific period of revocation



that should be imposed to protect the public from these dangerous drivers.

Your Committee has amended this measure by:

- (1) Making the measure effective upon approval; and
- (2) 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 Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 2, S.D. 1, 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 393, HD2  | TIA, JDL            | 3/21/11         |                     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>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 |
| ENGLISH, J. Kalani (C)   | ✓                   |                 |                     |         |
| ESPERO, Will (VC)  | ✓                   |                 |                     |         |
| DELA CRUZ, Donovan M.  | ✓                   |                 |                     |         |
| GABBARD, Mike  | ✓                   |                 |                     |         |
| KAHELE, Gilbert  | ✓                   |                 |                     |         |
| KOUCHI, Ronald D.  |                     |                 |                     | ✓       |
| SLOM, Sam  | ✓                   |                 |                     |         |
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| <b>TOTAL</b>   | 6                   |                 |                     | 1       |
| Recommendation:  |                     |                 |                     |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |                 |                     |         |
| Chair's or Designee's Signature:   |                     |                 |                     |         |
| <i>Will Espero</i>   |                     |                 |                     |         |
| <b>Distribution:</b>   |                     |                 |                     |         |
| Original   | Yellow              | Pink            | Goldenrod           |         |
| File with Committee Report   | Clerk's Office      | Drafting Agency | Committee File Copy |         |

\*Only one measure per Record of Votes