

Section 291E-40, Hawaii Revised statutes is amended to read as follows:

- (a).....
- (b).....
- (c).....
- (d).....

From
Steve Barta

(e) An individual who has had a lifetime revocation imposed pursuant to HRS Sections 291E-41 or 286-157.3 may file a petition for judicial review to obtain an ignition interlock permit that will allow the individual to drive a vehicle equipped with an ignition interlock device for the period applicable as designated in subsection (f) below. Said individual shall be eligible for relicensing after said permit expires pursuant to restrictions delineated in HRS Section 291E-44.5(b) and 291E-45(a)

(f) An ignition interlock system installed under this subsection shall be installed for the following periods of time:

1. For those who have been without a license for 10 or more years, the period shall be the same as specified in Section 291E-41(b)(1); i.e. one (1) year;
2. For those who have been without a license for 5 to 10 years, the period shall be the same as specified in Section 291E-41(b)(2); i.e. eighteen (18) months;
3. For those who have been without a license for 2 to 5 years, the period shall be the same as specified in Section 291E-41(b)(3); two (2) years;
4. For those who have been without a license for less than 2 years, the period shall be the same as specified in Section 291E-41(b)(4); a minimum of five (5) years up to a maximum of ten (10) years.

(g) The petition shall be filed with the clerk of the district court in the district in which the incident occurred and shall be accompanied by the required filing fee for civil actions. The petition shall be appropriately captioned. The petition shall state the grounds upon which the petitioner seeks an ignition interlock permit.

R. PATRICK MCPHERSON
ATTORNEY AT LAW
A LAW CORPORATION

1001 Bishop Street, ASB Tower, Suite 1330, Honolulu, Hawaii 96813 Tel: (808) 537-5600 Fax: (808) 537-1144

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TESTIMONY OF R. PATRICK MCPHERSON

HOUSE BILL NO. 1435

FINANCE COMMITTEE

My name is R. Patrick McPherson, Representative of the Hawaii Association of Criminal Defense Lawyers, appointed to the Ignition Interlock Task force. I have been representing DUI defendants for over 14 years in the various courts of the State of Hawaii. I have come today to offer testimony both in favor of House Bill 1435 and to oppose the amendment of the bill by the Transportation Committee.

The task force debated the expansion of the law to include those with lifetime revocations many times. The reason for not including persons with lifetime revocations is the complexity of the statute. We did feel that lifetime revocations should be evaluated and the law changed but it should be done either with the extension of the task force or introduced as a separate bill.

The amendment as proposed is far too simplistic to actually meet the necessary requirements which need to be determined to amend the statute. The task force has been extended by one year and any proposed amendments to the law should be addressed by the task force.

I do however agree to an amendment of the House Bill 1435 to permit Defendants the option of choosing the enumerated punishments in HRS§ 291E-61 ET. Al. enacted January 1, 2011. The reason for proposing this amendment to the law is, to permit defendants that would otherwise have their driving privileges suspended, to get interlock driving privileges for the duration of their suspension. This opt in provision would be at the request of the defendant having waived procedural defects. This law would only affect repeat offenders and highly intoxicated offenders. The premise of the law would allow persons convicted after the effective date of the bill to opt to be punished pursuant to HRS§ 291E- (b)1 through (b)(3). The suspension would become a revocation for the same period of time as enumerated in the punishment sections of the statute. Attached hereto is my proposed Amendments to HRS§ 291E-61.