POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

PETER B. CARLISLE MAYOR



LOUIS M. KEALOHA CHIEF

DAVE M. KAJIHIRO MARIE A. McCAULEY DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 2, 2012

The Honorable Gilbert S.C. Keith-Agaran, Chair and Members Committee on Judiciary House of Representatives State Capitol Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 1669, Relating to Transportation

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly opposes the passage of House Bill No. 1669, Relating to Transportation. The passage of this bill would require that the police department attach an immobilization device to a motor vehicle if the owner has been convicted of driving without a license or driving with a canceled, suspended or revoked license or by an individual who is not in compliance with a paternity or child support order.

This would create a tremendous burden on the police department to purchase immobilization devices as well as to provide staffing to attach and remove these devices from vehicles. This action would be considered a condition of probation which is contrary to the police role of enforcement.

Singerel

KURT KENDRO, Major

Traffic Division

Thank you for the opportunity to testify.

APPROVED:

LOUIS M. KEALOHA

for Chief of Police

DEPARTMENT OF CUSTOMER SERVICES CITY & COUNTY OF HONOLULU

DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

PETER B. CARLISLE



GAIL Y. HARAGUCHI

DENNIS A KAMIMURA

February 1, 2012

The Honorable Gilbert S.C. Keith-Agaran, Chair and Committee Members
Committee on Judiciary
House of Representatives
State of Hawaii
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Committee Members:

Subject: H.B. No. 1669, Relating to Transportation

The City and County of Honolulu has no comment regarding the purpose of H.B. No. 1669 which will require the installation of immobilization devices on certain vehicles.

For operational purposes, we are concerned with the requirement that the county must return the previously surrendered license plates to the registered owner at the end of the immobilization period. The counties have limited license plate storage capabilities and we may not have the capacity to store these surrendered license plates. We recommend that the bill be amended by allowing the counties to destroy the surrendered plates and require the purchase of new license plates at the end of the immobilization period. We also recommend that the court be required to notify the county motor vehicle registration office of the license plate number(s) of the immobilized motor vehicle(s) so that the correct motor vehicle record is flagged.

The City and County of Honolulu urges that H.B. No. 1669 be amended as recommended so that the county motor vehicle registration offices will be able to effectively implement the provisions of this bill.

Sincerely,

Dennis A. Kamimura Licensing Administrator



MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET WAILUKU, HAWAII 96793 (808) 244-6400 FAX (808) 244-6411

February 1, 2012



GARY A. YABUTA CHIEF OF POLICE

CLAYTON N.Y.W. TOM DEPUTY CHIEF OF POLICE

The Honorable Gilbert S.C. Keith-Agaran, Chair And Members of the Committee on Judiciary House of Representatives State Capitol Honolulu, HI 96813

Re: HB 1669 Relating to Transportation

Dear Chair Keith-Agaran and Members of the Committee:

The Maui Police Department opposes the passage of HB 1669. The passing of this bill would require that the police department attach an immobilization device to a motor vehicle if the owner has been convicted of driving without a license, or driving with a canceled, suspended, or revoked license, or by an individual who is not in compliance of a paternity or child support order.

We agree with other county law enforcement agencies that it would overly burden the police department to provide staffing to attach and remove these devices from vehicles. Also, as this "new" police function could be considered the monitoring of conditions of probation, it appears that it would shift police resources from one of enforcement to one of monitoring adjudicated individuals which is contrary to the role of the police.

The Maui County Police Department humbly asks for your opposition for HB 1669.

Thank you for the opportunity to testify,

GARY A. YABUT

Chief of Police

ncerely

William P. Kenoi

Mayor



County of Hawai`i

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998 (808) 935-3311 • Fax (808) 961-8865

February 1, 2012

Representative Gilbert S.C. Keith-Agaran Chairman and Committee Members Committee on Judiciary House of Representatives State Capitol Honolulu, Hawai'i 96813

Re: House Bill 1669, Relating to Transportation

Dear Chairman Keith-Agaran and Members:

The Hawai'i Police Department strongly opposes the passage of Bill 1669, Relating to Transportation. The purpose of this bill is to attach an immobilization device to a motor vehicle if the owner has been convicted of driving without a license, or driving with a canceled, suspended or revoked license or by an individual who is not in compliance of a paternity or child support order.

This measure would result in an excessive burden upon the Hawai'i Police Department to procure immobilization devices, undergo training in their use, as well as provide staffing to attach and remove these devices from vehicles. This action would be considered a condition of probation which is contrary to the police role of enforcement.

There is also a concern in that the Police Department would be used to attach such devices to the vehicles of those not in compliance with a paternity or child support order in that although distasteful, those issues are civil in nature and should not be under the purview of a Law Enforcement entity--more so, one that is currently experiencing both financial and manpower constraints.

For these reasons, we most emphatically urge this Committee to disapprove this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 1669.

Sincerely,

HARRY S. KUBOJIRI

POLICÉ CHIEF

"Hawai'i County is an Equal Opportunity Provider and Employer"

Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.com

February 2, 2012

To: Representative Gilbert S.C. Keith-Agaran, Chair -House Committee on Judiciary;

Representative Karl Rhoads, Vice Chair and members of the Committee

From: Arkie Koehl/Carol McNamee—Co-chairmen, Public Policy Committee - MADD Hawaii

Re: House Bill 1669 – Relating to Transportation

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of the intent of HB 1669. This bill amends Section 286-132 of the HRS, among others, and would therefore strengthen the sanctions for driving with a revoked or suspended driver's license. MADD is testifying only on the sections of the bill related to 286-132.

MADD Hawaii supports the concept of immobilization of a vehicle for the crime of driving while a license is suspended or revoked. In addition to HB 1669, we are also watching HB2727 which proposes: a largely administrative system of implementing the immobilization program rather than court-based; the use of a vendor to provide the immobilization devices and monitor their use; penalties for tampering with or circumventing the device; and a schedule of time periods for the immobilization device to remain on the vehicle.

The intent of both of these measures is to deter individuals from driving illegally when their licenses have been suspended or revoked. The threat of immobilization may encourage more OVUII drivers facing license revocation to install an ignition interlock device in their vehicles and be able to drive legally. For those not eligible for an interlock device, the possibility of immobilization of their vehicle could discourage these individuals from driving without a valid license. Ultimately, there should be fewer crashes caused by high-risk drivers.

MADD realizes that both HB 1669 and HB 2727 have issues regarding the work involved in attaching the immobilizing devices to the vehicle, monitoring the vehicles for compliance, and addressing the problem of household members who require the use of a vehicle and have no other method of transportation. MADD would like to see a possible wider use of the ignition interlock device in driving while revoked cases in order to allow both the offenders and their families to keep their driving privilege while also protecting other road users.

MADD proposes that a working group of all agencies involved in the immobilization issue be formed to study the issues involved and come back with a report and a possible revised legislative measure in 2013.

Thank you for this opportunity to testify.

01/26/2012

Chair and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Subject: House Bill No. 1669, Relating to Transportation

With regards to HB1669 I am in full support of this Bill.

There are many that drive without having a valid license or insurance as required by Hawaii State Law.

Their actions are felt by many in the form of higher insurance costs as many choose to add uninsured riders to their own insurance policies to prevent losses due to the possibility of an accident with someone who does not have insurance. These violators also sidestep the costs that law-abiding drivers consistently pay; licensing fees, registration fees, and insurance costs.

Statistics indicate that these drivers who habitually drive the roads of Hawaii without license and or insurance rarely receive anything more than a ticket. No jail time or substantial fines are imposed thereby allowing them to continue breaking the law knowing that there are no consequences for their actions and possibility of risking the lives and or welfare of innocent law abiding drivers.

I am in full support of HB 1969, which would immobilize the vehicles of non-licensed drivers. This bill would at the very least ensure that the vehicles these lawbreakers use would not be available for them to operate on the roadways of Hawaii.

Sincerely,

Brenda Dey

FROM: Cheryl Kaster

February 1, 2012

TO:

House Judiciary Committee

WRITTEN TESTIMONY IN SUPPORT OF HB1669
HOUSE JUDICIARY COMMITTEE

HEARING DATE: 2/2/12

TIME: 2 P.M.

Chairman Keith-Agaron and Judiciary Committee Members

I approached Rep. Cullen to sponsor a bill to address this seemingly, little-recognized failure of our judicial system to protect Hawaii's citizens from those who drive without a valid drivers license and also, often, without insurance.

I called this a "failed" system because of the dozens and dozens of repeat, habitual offenders who repeatedly enter the revolving door that is Traffic Court, for the same Driving Without a License ("DWOL") Traffic Crimes, and exit onto our streets, to drive, again, with impugnity.

As evidenced by their multiple appearances in court (examples of only two are attached for you information), a significant number of these lawbreakers simply do not stop driving. Many times, these scofflaw drivers also receive citations for no insurance (a MANDATORY \$500 fine and 3-month license suspension), only to have the Prosecutor's Office plea bargain to a greatly reduced fine for the DWOL and then DISMISS the insurance charge, effectively making a mockery of our laws.

Rarely, if ever, are these unlicensed drivers sentenced to jail, and then, when they are, their sentences are relatively minor.

CAIN'S LAW

I have dubbed HB 1669 "Cain's Law" after a former friend who is one of these habitual lawbreakers. Generally a law acquires the name of a victim who has been injured or killed, before there is any action taken to change the laws. I have given this bill the name "Cain's Law" in hopes of bringing attention this "hidden" situation that this law and others might be enacted to prevent unlicensed drivers from causing serious injury or death on our highways.

The first four pages following my this typed testimony contain Cain's Party Search Report from the eCourt Kokua website. These pages reflect the following:

Sixty (60) citations for various infractions, since June of 1994.

Included in those 60 citations, since June of 2005, Cain's record reflects:

Twenty-one (21) citations, including:

Ten (10) citations for DWOL (8 in the last 5 years), plus others for

- -- no insurance
- -- expired registration
- -- expired safety check; and

Two (2) citations for speeding...one for driving 81+ mph.

On two of the above occasions he was also involved in minor traffic accidents.

Cain is not just a bad driver with a bad driving record, however. Cain is a husband, a father, a grandfather. He is an all around "nice" guy who, every time he gets behind the wheel, is breaking the law because he is not licensed to drive in the State of Hawaii and hasn't been for at least six years.

Cain does not make his unlicensed status known, and, as a result:

He has driven vehicles, legally registered and insured by others, including myself and a local car rental agency, without our knowledge or permission.

He has also driven passengers who are unaware that he is an unlicensed driver, including adults and two young foster children entrusted to their care by the State of Hawaii.

On July 9, 2011, Cain received his TENTH citation for DWOL (one of the minor traffic accidents and his EIGHTH DWOL in the 5 years prior to that citation). Cain eventually pled guilty, after a few court appearances, and on January 18th. Judge Pacarro sentenced him to five (5) days in jail and one year of probation. The execution of the jail sentence will not occur until June 4th of this year, at Cain's request, because he and his wife are sponsoring four, male, foreign exchange students and he doesn't want to leave his wife alone at home while the students are in the house.

During this January 18 proceeding, to my surprise, the Deputy Prosecutor suggested waiving the \$500+ fine associated with this Traffic Crime since, from her accurate observation, the monetary fines "didn't seem to have much effect." Judge Pacarro reminded her that the fines were "statutory" and, therefore, couldn't be waived. Judge Pacarro then asked Cain how much he still owed in fines and Cain replied he thought around \$13,000.

THE COST OF INCARCERATION IS NOT THE ONLY COST TO THE CITIZENS OF HAWAII

The Traffic Crime of DWOL, after two or more prior citations in the prior 5 years, carries a fine of from \$500 to \$1,000 and a maximum jail sentence of 1 year. I have been told by police and others that it is considered way too costly to put someone in jail for these Traffic Crimes. I can understand that. However, I am convinced it is not much less costly to perpetuate the current system.

The fact is that these habitual offenders cost the state and county multiple thousands of dollars in resources because:

- They are entitled to a public defender because the violation carries with it a jail sentence. A simple solution would be to remove the jail sentence, since it isn't often used, anyway, and they would have to pay for their own attorney, or maybe not get one anyway. At least it would save the Public Defender's office from being overwhelmed.
- The cost of services is exacerbated by the fact that often folks either don't make their appointment with the PD's office and have to be referred and re-referred, and at times, re-re-referred. All of which necessitates a court appearance to simply find out that they either didn't make the required appointment or they made it but didn't show up (forgot), or the PD's office was so busy they wouldn't give them one.
- Generally if a defendant fails to show up, a bench warrant is issued. When they finally appear back in court the bench warrant money is returned to them less ONLY \$50. Is it really possible to make attempts by a Sheriff to serve these bench warrants at a cost of only \$50 per defendant? Why not assess an amount more realistic to the actual cost of serving the bench warrant, an amount that would be guaranteed to be paid because they have already had to pay bail when served with the warrant?
- -- The police officers issuing the citations are subpoenaed each time it is anticipated they will have to testify. These anticipated appearances often occur multiple times for the same defendant,

as in Cain's case, and yet each time the state was prepared to proceed, and the officer present, there was a change or some sort of delay, making the officer's appearance unnecessary, even though the officer did come to court. Surely, this is a huge waste of taxpayer money and the valuable time of Honolulu's Finest.

While I certainly support this bill, my concern is that it, too, is optional for the judges.

Further, my observations have been that the prosecutors routinely only ask for a \$100 fine on the first offense of DWOL. Why is that? Especially if the person is driving without a license because it has been taken away for a multitude of prior bad driving? I can understand if someone forgets to renew their license, but you can likely be assured they won't forget again and that they are generally responsible when it comes to their driving habits. However, with regard to those who have lost their licenses for good reason, I would think the first time they are caught driving after losing their license is the time to send a message...IT'S NOT OKAY TO DRIVE WITHOUT A LICENSE...a message that is not currently being communicated.

The connection between these unlicensed/uninsured drivers and traffic accidents is not, at this time, a matter of public record. These HABITUAL, unlicensed drivers have all committed numerous other traffic infractions to warrant being pulled over. Most often it is no safety check, or no current tag, and it is at that time that the officer learns they do not have a license and/or insurance and they are cited for those, in addition to the infractions. It is not an enforcement problem. The HPD is doing its job. The crack in the system is at the next step, when they get to the revolving door of Traffic Court.

I would urge this committee and this legislature to not only pass this bill but to also institute a program whereby the actual use of this provision is monitored in the courts. There is a computer database that operates the information concerning these traffic citations. It should be reasonably possible to track how many times this actual punitive solution is enacted. A tracking of the amount of overtime paid to officers who NEVER have to testify in these cases would also shed light on the tremendous amount of money being wasted. A survey of the countless hours public defenders and deputy prosecutors spend on these repeat offenders would also prove valuable.

And last, but certainly not least, we need to be able to track and correlate traffic accidents, fatal and non-fatal, to the drivers to determine how many of these occur with an unlicensed driver behind the wheel.

Attachments:

Party Search Report for CAIN - Pages 4-7

Party Search Report for CHRISTIAN - Pages 8-10

Total 8 DWOL m. 5 years (last one 7/2011)
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PARTY SEARCH REPORT

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ALL within 3 years and before Christian turned 21.

Following what is shown here Christian has been cited again for DWOL

been cited again for DWOL He has also served 14 days in OCCC where he, in his own words pand his 'debt to society."

He continues to drive as evidenced by his "New ride" on FB.

PARTY SEARCH REPORT

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	Christian 8 23/10 F	1DTI-10-035886 - State v. Christian No Reconstruct	TAX/S		Defendant	25-AUG-2010	2
•	Christia DE	1DTC-10-031520 - State v. Christian S	ic also Re	10-QCT-2011	fendant	16-AUG-2010	
	Christian E	1DTI-10-141682 - State v. Christi	an Safety	/	Defendant	16-AUG-2010	2
	Christian E	1DTI-10-029748 - State v. Christian	Safety	V	Defendant	16-AUG-2010	1
	Christian E	1DTC-10-024299 - State v. Christian	INS		Defendant	26-JUL-2010 (
	Christian H	1DTC-10-021738 - State v. Christian	INS		Defendant	15-JUN-2010	12
	Christian 6/10/10	1DTI-10-077437 - State v. Christian No Recon / 6	Safety	V	Defendant	15-JUN-2010	1
	Christian 5/27/10	1DTI-10-102167 State at Christian	TAX	Safety 15B etc.	Defendant	08-JUN-2010	
•	Christian 5/27/10	1DTC-10-009992 - State v. Christian	INS		Defendant	02-JUN-2010	1
	Christian 10 V	DTC-10-056212 - State v. Christian	INS	 -	Defendant	09-APR-2010	
	Christian W	DTI-10-061838 - State v. Christian	No Recor	ifety V	Defendant	31-MAR-2010	1
		DTA-10-01896 - State v. Christian	INS	<u>L</u>	Defendant	22-MAR-2010	1
		DTC-10-019590 - State v. Christian	INS	10-NOV-2011	Defendant	08-FEB-2010	
	Christian (131)D	1DTI-10-025890 - State v. Christian	Seatte		Defendant	08-FEB-2010	1

H= Honolulu

K= Kaneohe

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WW: Walnawa WN: Walanae E: Ewa

<u>D</u>	Name/Corporation	Case	Next Event	Party Type	Filing Date
	Christian IDE	1DTC-10-013011 - State v. Christian TNS		Defendant /	20-JAN-2010
	Christian 1/18/16	1DTI-10-013877 - State v. Christian No reco	7	Defendant	20-JAN-2010
	Christian C	IDTC-09-011151 - State v. Christian TNS		Defendant	21-DEC-2009
	Christian 09 E	1DTI-09-122120 - State v. Christian Failure	relosses	DAKENKENT	21-DEC-2009
	Christian H	1DTC-09-034531 - State v. Christian		Defendant	12-OCT-2009
	• •	IDTI-09-153684 - State v. Christian SPD	+18	Defendant	23-SEP-2009
	Christian 15/09	1DTI-09-095711 - State v. Christian Permit	SPD	Defendant	17-JUN-2009
	, Christian 418 04	1DTC 00 062725 State of Child	ung	Defendant	20-APR-2009
	, Christian		afety	Defendant	20-APR-2009
	, Christian	1DTI-09-077958 - State v. Christian OBS VI	w SPD	Defendant	09-APR-2009
	, Christian		uffler.	Defendant	25-FEB-2009
	, Christian	IDTI 00 006400 State of Cl. 14		Defendant	28-JAN-2009
	, Christian	1DTI-09-000057 - State v. Christian No Recor alfored Headlights / Drive Wo HOLT / Page	permit	Defendant	14-JAN-2009

H= Honolulu K= Kaneohe WW= Wahawa WN= Waranae

E = Ewa

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