

**COMMENTS OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2320, H.D.2, S.D.1 RELATING TO HIGHWAY SAFETY.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, March 29, 2012

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 211

WRITTEN COMMENTS ONLY. For more information, call Susan Won, Deputy Attorney General at 586-1160.

Chair Ige and Members of the Committees:

The Department of the Attorney General (the “Department”) supports the intent of ensuring that drunk drivers are placed into the state’s ignition interlock program, but has significant concerns with the proposed amendments to chapters 291E and 286, Hawaii Revised Statutes (HRS).

Section 1 of the bill provides that the “purpose of this Act is to make amendments to the State’s ignition interlock law recommended by the Hawaii ignition interlock implementation task force.” The Department feels that this is a misstatement, because some of the proposed amendments, including sections 2 and 4 of the bill, were never discussed and adopted by the task force.

Section 2 of the bill, on page 1, line 14, proposes to authorize a person arrested for a violation of section 291E-61.5, HRS, whose license was previously revoked pursuant to chapter 286, part VI, or section 291E-61, HRS, to apply for a license renewal as provided in sections 286-107 and 286-107.5, HRS. This amendment, however, conflicts with section 291E-61.5(f), HRS, which provides “[n]otwithstanding any other law to the contrary, whenever a court revokes a person’s driver’s license pursuant to this section, the examiner of drivers shall not grant to the person a new driver’s license until expiration of the period of revocation determined by the court.” Furthermore, it was the original intent of the task force that ignition interlock would not be made available to a person convicted of habitually operating a vehicle under the influence of an intoxicant under section 291E-61.5, HRS.

Section 4 of the bill proposes to add a new section to part IV of chapter 291E, HRS, which will permit individuals with a lifetime license revocation and any person convicted of the offense of habitually operating a vehicle under the influence of an intoxicant under section 291E-61.5, HRS, to petition for an ignition interlock instruction permit. The Department has significant concerns about permitting repeat intoxicated drivers, who have repeatedly endangered lives by driving while intoxicated, to drive again. Yet this provision would allow repeat intoxicated drivers, whom the State previously determined to be so dangerous that a lifetime license revocation was warranted, back onto the streets with minimal or no assurances that they no longer pose a danger to the community. Last year, the Department of Transportation submitted testimony for H.B. No. 1435 and reported therein that the Administrative Driver's License Revocation Office (ADLRO) had calculated there were a total of 1,915 individuals with lifetime license revocations for driving under the influence since the administrative driver's license process had started. Of these 1,915 individuals, 397 of them were reported to have more than one lifetime revocation, and one individual was reported to have had 10 lifetime revocations.

The Department believes that the amendment requires very little of repeat intoxicated drivers with a lifetime license revocation, to be eligible to use and install an ignition interlock device in their vehicle. The requirements are inadequate to protect the public. The petitioners do not have to demonstrate that they no longer pose a danger to the community. They do not have to show that they have complied with the traffic code and have not continued to drive after receiving their lifetime license revocations. At the very least, any process that would permit a person with a lifetime license revocation, much less the individual who has more than one lifetime license revocation, should be designed to evaluate cases on a case-by-case basis.

The process should give the court a wider degree of discretion so that it can examine a number of factors, including the petitioner's criminal and traffic record after receiving a lifetime license revocation, in order to determine whether the individual should be given the privilege to drive again. This process will then let the court assess whether the petitioner still poses a danger to society or whether the petitioner has been rehabilitated and should be given a second chance to regain their driving privileges.

Furthermore, the amended section 4 deletes the provision that allowed the prosecuting attorney to request a hearing and offer evidence and argument for or against the petition. The prosecuting attorney should be involved in the process in determining whether such a person should be relicensed. As such, this amendment places more emphasis on making the process easier for the petitioner, rather than on the safety of the community.

Instead, this bill would bind the court's hand and put the community at risk. The proposed amendment in section 4 requires the petitioner to attach a certified court abstract establishing that other than the instant offense, the petitioner has no other pending traffic matters, outstanding fines, outstanding court costs, and court ordered restitution. Further, the certified Hawaii traffic abstract contains only information based on the petitioner's traffic record in the state. It may not contain any information regarding outstanding matters in other states. Therefore, the requirement may fail to provide a complete picture to the district court judge reviewing the petition, and would favor those petitioners who lived in other states after receiving their lifetime revocation. The courts should be able to consider the petitioner's abstract in any state in which he or she has resided since permanently losing their license, and whether the petitioner complied with the lifetime license revocation or continued to drive in violation of the revocation.

Sections 4 and 17 of the bill completely undermine the sentencing provisions for operating a vehicle after license and privilege has been suspended or revoked for operating a vehicle under the influence of an intoxicant under section 291E-62, HRS, which requires not only an additional revocation of license and privilege to operate a vehicle, but also loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable. Therefore, an individual convicted of this offense, having lost his or her privilege to use an ignition interlock device, would be authorized to install the device again after being arrested for a new operating a vehicle under the influence of an intoxicant offense. It should be noted that individuals convicted for a third offense within five years of two or more prior convictions for offenses under this section and older versions of this law saw their license and privilege to operate a vehicle revoked permanently. This bill, as drafted however, proposes to completely nullify and undermine the sentencing provisions for this offense. Even a person with a lifetime revocation, whose license was also revoked pursuant to section 286-124, HRS, after conviction

for manslaughter resulting from operation of a motor vehicle, would be eligible to apply for an ignition interlock permit.

Sections 4 and 17 of the bill would also undermine the authority of the Child Support Enforcement Agency (CSEA) to request a license suspension of deadbeat non-custodial parents who are not paying their child support. Under section 286-102(e), HRS, upon receipt of certification from the CSEA that an individual who owns or operates a motor vehicle is not in compliance with an order of child support, the examiner of drivers shall suspend the individual's license and right to operate motor vehicles, and confiscate the individual's license. Furthermore, the examiner of drivers shall not reinstate an individual's license until the CSEA, the Office of Child Support Hearings, or the family court issues an authorization that states the individual is in compliance with an order of support.

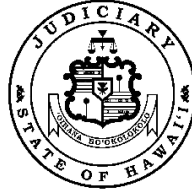
Sections 4 and 17 would also undermine the authority of other states' license revocations as it would allow the Director (of ADLRO) to issue to a four-time intoxicated offender, with a lifetime license revocation, an ignition interlock instruction permit, regardless of the fact the offender's license was also suspended or revoked a result of convictions for other offenses. This proposal may violate the Full Faith and Credit Clause of the United States Constitution (article IV, section 1), which addresses the duties that the states within the United States respect the "public acts, records, and judicial proceedings of every other state."

Additionally, this provision would allow a repeat intoxicated driver whose license was revoked for life, after committing four offenses, to be potentially treated as a first-time offender for purpose of relicensing, if the repeat intoxicated driver commits yet another offense after the reinstatement. Thus, a five-time (or more) offender would be subject to the minimum revocation period.

Section 4 of the bill has been amended to permit a person with a lifetime license revocation to petition, after a minimum of **seven** years from the issuance of the ignition interlock permit, the district court to reinstate the person's license to operate a vehicle without an ignition interlock license. This amendment requiring a person to install and use an ignition interlock device is still not sufficient to ensure the safety of the community. Currently, there is insufficient monitoring of persons who are driving a vehicle equipped with ignition interlock. Moreover, it appears there are no consequences for a person who fails to provide a blow into the ignition

interlock device or who blows above the fixed failure level. Due to the lack of monitoring, there are no cases made for circumvention. In addition, the circumvention law is inadequate and needs to be amended to address conduct that is not covered by the current statute. As an example, a person who covers the camera in the vehicle and directs another person to blow into the ignition interlock device cannot be prosecuted for circumvention. Finally, there are no procedures for referral of a case for prosecution even if there was a violation of the circumvention law. As a result, persons with lifetime revocations who are allowed to drive again with ignition interlock will continue to be a danger to the community.

We respectfully ask that amendments be made to address the Department's concerns.



The Judiciary, State of Hawaii

Comments to the Twenty-Sixth Legislature, 2012 Regular Session

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, March 29, 2012
9:00 a.m.
State Capitol, Conference Room 211

by
Marie C. Laderta
Chief Adjudicator
Administrative Driver's License Revocation Office (ADLRO)

Bill No. and Title: House Bill No. 2320, H.D. 2, S.D. 1 Relating to Highway Safety.

Purpose: To allow repeat intoxicated drivers to install ignition interlock devices in their vehicles by eliminating the revocation of motor vehicle registrations, and to make housekeeping amendments to Chapter 291E, HRS. This bill also provides a process for certain persons currently excluded from the ignition interlock law to petition the district court for an ignition interlock instruction permit and obtain an ignition interlock permit, and allows persons with lifetime administrative revocations to petition the district court for an unrestricted license after a minimum period of seven years with an ignition interlock device.

Judiciary's Position:

The ADLRO supports the portions of this measure which attempt to clarify administrative revocation processes and procedures. The ADLRO recognizes that the clarifications proposed by this measure seek to reconcile inconsistencies within the law. On January 1, 2011, Act 171, SLH, as amended by Act 88, SLH 2009, as further amended by Act 166, SLH 2010, became law. The Acts amend Chapter 291E, HRS, relating to use of intoxicants while operating a motor vehicle to require the use of ignition interlock devices by any person whose driver's license is revoked for operating a vehicle while under the influence of an intoxicant (OVUII).



Act 171 stated that the purpose of the law is to require use of ignition interlock devices so that persons arrested for OVUII (hereinafter referred to as “respondents”) can drive, but are prevented from drinking and driving, during the pendency of the case and the revocation period thereafter. According to the statement of purpose, “the requirement of installation of an ignition interlock device would replace the provisions to take custody of the motor vehicle registration and number plates and to issue conditional license permits.” Emphasis added.

Notwithstanding the foregoing, §291E-41(b) (2), (3) and (4), HRS, of the law which took effect on January 1, 2011, revokes the motor vehicle registration of any vehicle registered to a respondent who has more than one alcohol enforcement contact during certain specified periods of time while §291E-41(b), HRS, requires that except for certain limited classes of respondents, a respondent “shall keep an ignition interlock device installed and operating in any vehicle the respondent operates during the revocation period.” The revocation of the motor vehicle registration of respondents with multiple OVUII revocations effectively forecloses such respondents from driving during the revocation period because they are unable to operate an unregistered vehicle. The only recourse for such respondents is to have an owner of a vehicle agree to the installation of an ignition interlock device in his/her vehicle and allow the respondent to drive that vehicle.

The ADLRO, which administers the driver’s license revocation law, has already encountered problems dealing with respondents who have multiple OVUII revocations and who desire to install an ignition interlock device in their motor vehicle.

The ADLRO has also seen an increase in the number of respondents whose licenses expire during the revocation period, because the new ignition interlock law requires revocation periods ranging from a minimum period of one year up to a maximum period of ten years, depending on the number of prior alcohol or drug enforcement contacts. This measure would allow a respondent, who otherwise qualifies for a permit under §291E-44.5 or 291E-61, to renew an expired license solely for the purpose of obtaining or extending an ignition interlock permit or employee driver’s permit for the period provided in §286-106 or until the end of the revocation period, whichever occurs first. No physical driver license would be issued to the respondent.

This measure also makes housekeeping amendments to Chapter 291E, HRS, for purposes of efficiency and consistency. Of the housekeeping amendments, two may appear to substantively change the law, and therefore, are addressed in this testimony.

Section 6 of the bill amends the definition of “repeat intoxicated driver” to include “drug enforcement contacts” as a factor in defining a person as a repeat intoxicated driver. Under the present definition, only alcohol enforcement contacts are used to determine if a person is a repeat intoxicated driver. However, §291E-41, HRS, which sets forth the periods of license revocation



mandated for repeat offenders counts prior drug enforcement contacts, as well as alcohol enforcement contacts, to impose longer periods of revocation for repeat offenders. The proposed amendment makes the definition consistent with §291E-41, HRS. The amendment also clarifies that a repeat intoxicated driver is someone who has two contacts during the five years preceding the date of the latest arrest. The present definition states that two contacts during the preceding seven years makes a person a repeat intoxicated driver. Again, the proposed amendment makes the definition consistent with §291E-41, HRS, which uses two contacts within five years, rather than seven years.

With regard to Section 4 of this measure, the ADLRO defers to the wisdom of the legislature to determine if the ignition interlock law should be expanded to include individuals currently excluded from obtaining ignition interlock permits, including persons subject to lifetime administrative revocations, persons arrested prior to the effective date of the ignition interlock law, persons whose licenses were expired, had a learner's permit or instruction permit, or who were otherwise unlicensed at the time of arrest, and persons with out-of-state licenses that are expired or will expire during the revocation period, and if, and under what conditions, a person with a lifetime administrative revocation should be allowed to drive with an unrestricted license.

The ADLRO requests that the effective date of this measure be changed from "upon its approval" to July 1, 2012 at the earliest to allow time for the ADLRO and other affected agencies to update forms and coordinate processes and procedures to implement the changes proposed by this bill.

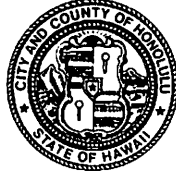
Furthermore, the ADLRO provides the following clarifications with regard to several issues raised in Senate Standing Committee Report No. 2978:

- (1) Paragraph (1) of the report states that a person whose driver's license was revoked after December 31, 2010, may apply for driver's license renewal. However, the bill allows such renewals only under limited circumstances and upon certain conditions;
- (2) Paragraphs (2), (5), (6), and (7) of the report refer to the Director of Transportation. The "director" in those paragraphs refers to the Administrative Director of the Courts and not the Director of Transportation. See, definition of "director" in §291E-1, HRS; and
- (3) Paragraph (5) of the report states that the bill repeals the authorization to grant a special motor vehicle registration to a qualified household member or to a co-owner of any motor vehicle owned by the respondent. The bill was not intended to and does not repeal those provisions.

Thank you for the opportunity to comment on House Bill No. 2320, H.D. 2, S.D. 1.

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
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A KAMIMURA
LICENSING ADMINISTRATOR

March 27 2012

The Honorable David Y. Ige, Chair
and Committee Members
Committee on Ways and Means
The Senate
State of Hawaii
State Capitol, Room 215
Honolulu, Hawaii 96813

Dear Chair Ige and Committee Members:

Subject: H.B. No. 2320 HD2 SD1, Relating to Highway Safety

The City and County of Honolulu agrees with the intent H.B. No. 2320 HD2 SD1 which provides for several amendments to the Ignition Interlock statutes.

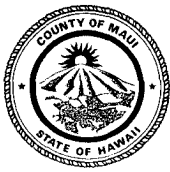
We agree with the amendment requiring a minimum of seven years from the issuance of the ignition interlock permit before a person subject to lifetime license revocation may file a petition to reinstate that person's eligibility for a regular driver's license.

We recommend that the bill be amended to include the county Prosecutor's Offices, as contained in Section 4 of the original H.B. No 2320, in the reinstatement petition hearing process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura". The signature is fluid and cursive.

Dennis A. Kamimura
Licensing Administrator



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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



GARY A. YABUTA
CHIEF OF POLICE

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

March 28, 2012

The Honorable David Y. Ige, Chair
And Members of the Committee on Ways and Means
The Senate
Hawaii State Capitol
Honolulu, HI 96813

Re: HB No. 2320, HD2, RELATING TO TRAFFIC SAFETY

Dear Chair Ige and Members of the Committee:

The Maui Police Department is in support of the intent of HB 2320, HD2, with amendments. This bill that clarifies recommendations of renewal of a driver's license revoked for impaired driving, allows repeat intoxicated drivers to install ignition interlock devices in any vehicle they operate, by eliminating the requirement to surrender motor vehicle registrations and license plates, provides guidelines for ignition interlock instruction permits and ignition interlock permits, allows individuals with a lifetime revocation to apply for reinstatement of license and privilege to operate a motor vehicle without an ignition interlock after seven years with an ignition permit, and requires courts to grant petition for reinstatement if certain requirements are met, is a bill that can help to keep our roadways safe if the amendments are implemented.

We respectfully request that our Prosecutors have the ability to present evidence at any hearing where there is a request for reinstatement of a driver's license. This will allow for a check and balance for this process.

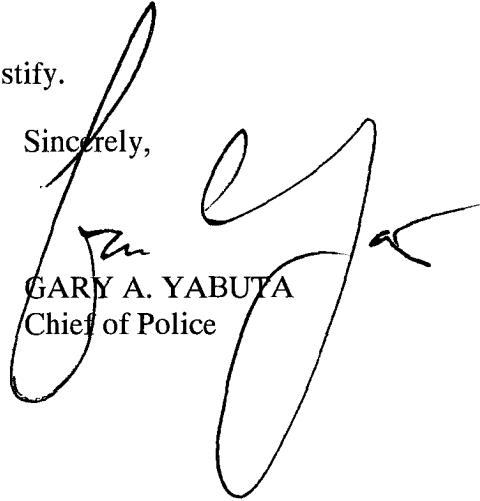
The second amendment to this bill is the clarification of language used where, in its current form in Section 4, which states that upon completion of the seven years, the person may petition the District Court, and if all the requirements are met, the court SHALL grant the petition. The Maui Police Department finds this part of the bill unacceptable because without the ability of having the Prosecutors involved in the process this law states that a person with a "lifetime" revocation of driving privileges will have their driving privileges back as long as they wait seven years and complete a petition. This language circumvents any ability that a victim or family of a victim may have to impact the granting or denying of driving privileges.

The Honorable David Y. Ige, Chair
Committee on Ways and Means
March 28, 2012
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Finally, the Maui Police Department again is in support of the intent of HB 2320, HD2, with the stated amendments that must be submitted for our further and future support of this bill. Without these amendments, the Maui Police Department requests that this bill be deferred for further discussion.

Thank you for this opportunity to testify.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Gary A. Yabuta', is written over the typed name and title.

GARY A. YABUTA
Chief of Police

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

HOUSE BILL 2320

RELATING TO HIGHWAY SAFETY

BEFORE THE COMMITTEE ON WAYS AND MEANS

DATE : Thursday, March 29, 2012

TIME : 9:00 A.M.

**PLACE : Conference Room 211
State Capitol**

PERSON TESTIFYING:

**Deputy Police Chief Paul K. Ferreira
Hawaii Police Department
County of Hawaii**

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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March 27, 2012

The Honorable David Y. Ige, Chair
and Members
Committee on Ways and Means
The Senate
State Capitol
415 South Beretania Street
Honolulu, Hawai`i 96813

Re: House Bill 2320 H.D. 2, S.D. 1, Relating To Highway Safety

Dear Chair Ige and Members:

The Hawai`i Police Department supports the intent of House Bill 2320, but cannot support its current form Relating to Highway Safety with amendments. The purpose of this Bill is to clarify the ignition interlock requirements and permitting process.

The Hawai`i Police Department believes that Section 4 of the proposed Bill, which would allow individuals with a lifetime revocation to apply for reinstatement of license and privilege after seven years to operate a motor vehicle without an ignition interlock, is flawed. We believe the language stating, "upon completion of the seven years the person may petition the District Court and if all of the requirements are met the court SHALL grant the petition," is particularly objectionable. Our belief is if it is the will of the Legislature to allow reinstatement after seven years, that person be subject to petitioning for a judicial process wherein the Prosecutor's Office of the appropriate jurisdiction is allowed to present evidence and/or witnesses which may serve to challenge a Defendant's petition for reinstatement and that the Court "May" grant the petition.

THE HONORABLE DAVID Y. IGE, CHAIR
AND MEMBERS
SENATE COMMITTEE ON WAYS AND MEANS
RE: HOUSE BILL 2320 H.D. 2, S.D. 1, RELATING TO HIGHWAY SAFETY
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We emphatically believe that it is important to send a message that the safety of the community at large will take precedence over the "driving privileges" of an individual.

We therefore urge this committee to approve this legislation only with the cited amendments or allow it to be deferred if these amendments do not get adopted. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 2030.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira", with a long horizontal flourish extending to the right.

PAUL K. FERREIRA
DEPUTY POLICE CHIEF
ACTING POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **KK-LC**

March 29, 2012

The Honorable David Y. Ige, Chair
and Members
Committee on Ways and Means
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: House Bill No. 2320, H.D. 2, S.D. 1, Relating to Highway Safety

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

The HPD supports the intent of House Bill No. 2320, H.D. 2, S.D. 1, Relating to Highway Safety, but cannot support this bill without amending Section 4 of this bill.

Since the 2011 Legislative Session, the HPD has been working with other partners to correct the flaws in the ignition interlock law regarding the difficulties in repeat OVUII offenders to obtain an interlock device as well as a provision for persons with a lifetime driver's license revocation.

Section 4 of this bill would allow a person with a lifetime revocation of his/her driving privileges to apply for an ignition interlock permit. Further, after seven years of having an ignition interlock, that person may petition the District Court to obtain a driver's license. The language contained in Section 4, pages 3 through 9, states that upon the completion of the seven years, the person may petition the District Court and if all of the requirements are met, the court SHALL grant the petition. It is this portion of the bill that the HPD finds unacceptable.

The Honorable David Y. Ige, Chair
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March 29, 2012

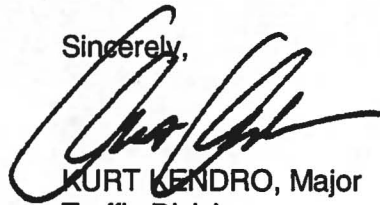
The HPD supports the seven years of the ignition interlock but would recommend that language be inserted to allow that after seven years of having an ignition interlock that the person may request a hearing for consideration of a driver's license. At this hearing, the Department of the Prosecuting Attorney may present evidence to object or to support the petition. Only after careful consideration based on the evidence supported, the District Court MAY grant permission to obtain a driver's license.

In each case where a lifetime license revocation has been granted, there needs to be a voice of the people, to include the victims, before a license can be granted. It should not be a process in which the person automatically receives a driver's license. Omitting a hearing before permission is granted to obtain a driver's license would undermine the existing laws and compromise public safety.

The HPD opposes the passage of this bill with the current language and asks that you include language in Section 4 that allows for a District Court hearing before permission is given to obtain a driver's license. Without this amendment, the HPD would ask that this bill not be passed out of committee and that it be deferred at this time.

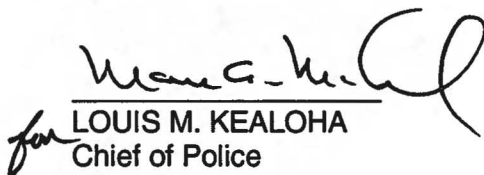
Thank you for the opportunity to testify.

Sincerely,



KURT KENDRO, Major
Traffic Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police



Mothers Against Drunk Driving HAWAII
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March 29, 2012

To: Senator David Y. Ige, Chair –Senate Committee on Ways and Means;
Senator Michelle N. Kidani, Vice Chair; and members of the committee

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

Re: House Bill 2320, HD2, SD1 – Relating to Highway Safety

I am Carol McNamee, speaking on behalf of the members of Mothers Against Drunk Driving - Hawaii, in support of House Bill 2320, HD2,SD1 but with a request for amendments.

Part of this bill responds to the need to correct a flaw in the ignition interlock law which went into effect on January 1, 2011. The problem was caused by a conflict between the pre-2011 statutes requiring the revocation of vehicle registration for repeat offenders and the new law under which vehicles being equipped with an interlock device need to be registered. The current bill, HB2320, remedies the problem in the law by removing all references to the requirement of the revocation of vehicle registration and permits repeat OVUII offenders to request that their registration be returned in order to obtain an Ignition Interlock permit.

House Bill 2320 not only corrects the flaw mentioned above, it extends the opportunity to use an interlock device to other currently excluded categories of offenders. MADD Hawaii supports the inclusion of additional groups of OVUII “respondents” since over a year has now passed and the Ignition Interlock program has proved to work well with devices successfully installed on over 1100 vehicles, preventing the occurrence of over 5000 alcohol-involved journeys on Hawaii roads. Our organization agrees that it is the right time to expand the program to groups of administrative revocation “respondents” who were not included in the “basic” system that was passed by the legislature and implemented in January, 2011.

MADD agrees with an amendment made by the previous committees hearing this measure that changed the three year provisional period with use of an ignition interlock device for lifetime revocation recipients interested in regaining full driving privileges to the longer period of seven years. However the previous committees did not reinstate another key provision for the protection of the public – allowing the prosecutor’s office of each county to be notified of petition hearings so that they have the option of participating in the petition process of assessing former lifetime revocation recipients.

We strongly encourage the Committees to pass this bill with the amendments of returning to the language of the original HB 2320 as it relates to Section 4 (e) - the provision that “a copy of the petition shall be served on the prosecuting attorney in the county where the petition is filed.”

The effective date should also be changed to July 1, 2012 or such later date that allows key agencies to make necessary adjustments to accommodate the change in the statutes.

Thank you for the opportunity to submit comments.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: dzysman.hpha@gmail.com
Subject: Testimony for HB2320 on 3/29/2012 9:00:00 AM
Date: Wednesday, March 28, 2012 8:35:52 AM

Testimony for WAM 3/29/2012 9:00:00 AM HB2320

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Deborah Zysman
Organization: Individual
E-mail: dzysman.hpha@gmail.com
Submitted on: 3/28/2012

Comments: