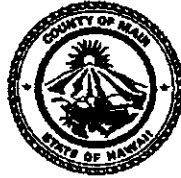


ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Acting Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD K. MINATOYA
Deputy Prosecuting Attorney
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY OF THE DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
ON HB 393 - RELATING TO CRIME
FEBRUARY 9, 2011
9:00 A.M.

The Honorable Joseph M. Souki
Chair
The Honorable Linda Ichiyama
Vice Chair
and Members
House Committee on Transportation

The Department of the Prosecuting Attorney, County of Maui supports this measure.

The amendments set forth in HB 393 are important because they provide unambiguous guidance to the courts when sentencing defendants for Manslaughter.

Specifically, the bill amends the existing law to make it clear that the license of any driver convicted of Manslaughter resulting from the operation of a motor vehicle shall be revoked for life. Presently, the law is unclear as to the duration of a license suspension. We had defendants request new licenses after one year of revocation. Also, recently we had a defendant arrested for operating a vehicle under the influence of an intoxicant when he was convicted of Manslaughter in 2000 for a 1998 drunken driving related traffic death. It was reported that this defendant works as a commercial driver for a local trucking company. The fact that he is legally allowed to drive in our community is extremely troubling.

The bill also amends HRS Section 286-124 by allowing a sentencing court to suspend a defendant's drivers license from five (5) to ten (10) years when a defendant is convicted of Negligent Homicide in the First Degree. This provides "graduated" license suspension depending on the severity of the offense.

House Committee on Transportation

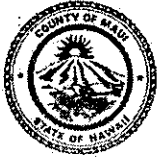
HB 393

February 9, 2011

Page 2

Finally, the bill expressly provides a sentencing court with the discretion to impose a term of imprisonment of up to two (2) years as a condition of probation involving Manslaughter. Currently, the law is unclear as to the amount of jail time a court may impose with probation for a Manslaughter conviction. This apparent glitch in the law was probably an oversight when Manslaughter was changed from a class B felony to a class A felony in 1996.

The Department of the Prosecuting Attorney requests that this measure be PASSED. Thank you very much for the opportunity to provide this testimony.



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

February 4, 2011

The Honorable Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 393, Relating to Crime

Dear Chair Souki and Members of the Committee:

The Maui Police Department supports H.B. No. 393. The ability to possess a Hawaii driver's license is a privilege, not a right. There are situations when the actions of the individual dictate that those privileges should be revoked. This bill amends the driver's license revocation provision to require a lifetime revocation for Manslaughter involving the operation of a vehicle, five to ten years for Negligent Homicide in the first degree, and two to five years for Negligent Homicide in the second degree. This bill also allows for up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.

The Maui Police Department asks for your support on H.B. No. 393.

Thank you for the opportunity to testify.

Sincerely,


for, GARY A. YABUTA
Chief of Police