

DEPARTMENT OF THE PROSECUTING ATTORNEY
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LATE TESTIMONY

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THE HONORABLE JOSEPH M. SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

January 31, 2011

RE: H.B. 658; RELATING TO DRIVER EDUCATION.

Chair Souki, Vice Chair Ichiyama, and members of the House Committee on Transportation, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony supporting the intent of H.B. 658.

This bill imposes another surcharge of \$200 levied upon persons convicted of driving under the influence under sections 291E-61 and 291E-61.5 of the Hawaii Revised Statutes. Moneys raised from this surcharge will be deposited into a new special fund known as the Motor Vehicle Safety Driver Education Fund to be administered by the Motor Vehicle Safety Office of the Department of Transportation.

The Department of the Prosecuting Attorney requests that if a new surcharge is imposed upon persons convicted of driving under the influence, ^{all} ~~a portion~~ of that money be directed to funding mental health and substance abuse treatment programs. While the department agrees that driver education programs inform individuals on how alcohol impairs an individual's driving ability, affects each individual differently, and other important information, there needs to be more support in programs that help individuals with their mental and physical health. The department is aware that a number of individuals' mistakes were isolated incidents where driver education combined with the penalties of community service, imprisonment, or fine, as well as a mandated counseling assessment, revocation of license and privilege to operate a vehicle, and the surcharges to deposited into the neurotrauma special fund and trauma system special fund may be enough to impact an individual to avoid repeating his or her offense of driving under the influence.

However, there are a number of individuals who have challenges with alcohol due to their mental or physical health. Some individuals turn to alcohol because of depression, post traumatic stress disorder, and other mental illnesses. Also, there are individuals who are physically addicted to alcohol because of the reaction their body has to the substance. It is for these reasons that the Department of the Prosecuting Attorney requests that if a new surcharge is

imposed upon persons convicted of driving under the influence, ^{all} ~~a portion~~ of that money be directed to funding mental health and substance abuse treatment programs. Such programs will prevent driving under the influence incidents and help individuals to improve their lives. The Department of the Prosecuting Attorney would like to see the people of Hawaii safe, healthy, and happy.

Thank you for this opportunity to testify.

LATE TESTIMONY

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
INTERIM DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NO. 658

January 31, 2011

RELATING TO DRIVER EDUCATION

House Bill No. 658 establishes the Motor Vehicle Safety Driver Education special fund to be used for the purpose of creating a statewide driver education program to be administered by the Department of Transportation, Motor Vehicle Safety Office, in coordination with the Department of Education.

As a matter of general policy, the Department of Budget and Finance does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the Hawaii Revised Statutes. Special or revolving funds should:

- 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program;
- 2) provide an appropriate means of financing for the program or activity; and
- 3) demonstrate the capacity to be financially self-sustaining.

In regards to House Bill No. 658, it is difficult to determine whether there is a clear nexus between the benefits sought and the charges made upon the users or beneficiaries of the program and whether the fund will be self-sustaining.