
A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-61.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) For the purposes of this section:

4 "Convicted three or more times for offenses of operating a
5 vehicle under the influence" means that, at the time of the
6 behavior for which the person is charged under this section, the
7 person had three or more times within ten years of the instant
8 offense:

9 (1) A judgment on a verdict or a finding of guilty, or a
10 plea of guilty or nolo contendere, for a violation of
11 this section or section 291-4, 291-4.4, or 291-7 as
12 those sections were in effect on December 31, 2001, or
13 section 291E-61 or 707-702.5;

14 (2) A judgment on a verdict or a finding of guilty, or a
15 plea of guilty or nolo contendere, for an offense that
16 is comparable to this section or section 291-4, 291-
17 4.4, or 291-7 as those sections were in effect on
18 December 31, 2001, or section 291E-61 or 707-702.5; or



1 (3) An adjudication of a minor for a law or probation
 2 violation that, if committed by an adult, would
 3 constitute a violation of this section or section 291-
 4 4, 291-4.4, or 291-7 as those sections were in effect
 5 on December 31, 2001, or section 291E-61 or 707-702.5;
 6 that, at the time of the instant offense, had not been expunged
 7 by pardon, reversed, or set aside. All convictions that have
 8 been expunged by pardon, reversed, or set aside prior to the
 9 instant offense shall not be deemed prior convictions for the
 10 purposes of proving that the ~~[person's status as]~~ person is a
 11 habitual operator of a vehicle while under the influence of an
 12 intoxicant [-]; and

13 ~~[A person has the status of a "habitual]~~ "Habitual operator
 14 of a vehicle while under the influence of an intoxicant" [~~if~~
 15 ~~the]~~ means a person who has been convicted three or more times
 16 within ten years of the instant offense, for offenses of
 17 operating a vehicle under the influence of an intoxicant [-] or
 18 has been convicted within ten years of the instant offense, for
 19 habitually operating a vehicle while under the influence of an
 20 intoxicant, which conviction was not expunged by pardon,
 21 reversed, or set aside, at the time of the instant offense."



H.B. NO. 1181

1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: _____



By Request

JAN 23 2013



H.B. NO. 1181

Report Title:

Motor Vehicle; Operation; Under the Influence

Description:

Amends the definition of a "habitual offender" to also mean a person who was convicted of habitually operating a vehicle under the influence of an intoxicant within ten years of the instant offense of operating a motor vehicle under the influence of an intoxicant.

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