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

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

15 ~~[-(2)-]~~ (B) A judgment on a verdict or a finding of guilty,
16 or a plea of guilty or nolo contendere, for an
17 offense that is comparable to [~~this section or~~]
18 section 291-4[~~7~~, ~~291-4.4,~~] or 291-7 as those



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

16 (2) "Convicted one or more times for offenses of
17 habitually operating a vehicle under the influence"
18 means that, at the time of the behavior for which the
19 person is charged under this section, the person had
20 one or more times within ten years of the instant
21 offense:



1 (A) A judgment on a verdict or a finding of guilty,
2 or a plea of guilty or nolo contendere, for a
3 violation of this section or section 291-4.4 as
4 that section was in effect on December 31, 2001;
5 (B) A judgment on a verdict or a finding of guilty,
6 or a plea of guilty or nolo contendere, for an
7 offense that is comparable to this section or
8 section 291-4.4 as that section was in effect on
9 December 31, 2001; or
10 (C) An adjudication of a minor for a law or probation
11 violation that, if committed by an adult, would
12 constitute a violation of this section or section
13 291-4.4 as that section was in effect on December
14 31, 2001;
15 that, at the time of the instant offense, had not been expunged
16 by pardon, reversed, or set aside. All convictions that have
17 been expunged by pardon, reversed, or set aside prior to the
18 instant offense shall not be deemed prior convictions for the
19 purposes of proving the person's status as a habitual operator
20 of a vehicle while under the influence of an intoxicant.



1 (3) [~~A person has the status of a "habitual]~~ "Habitual
2 operator of a vehicle while under the influence of an
3 intoxicant" [~~if]~~ means that the person:

4 (A) [~~has been]~~ Was convicted three or more times
5 within ten years of the instant offense, for
6 offenses of operating a vehicle under the
7 influence of an intoxicant~~[-]~~; or

8 (B) Was convicted one or more times for offenses of
9 habitually operating a vehicle under the
10 influence."

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Motor Vehicle; Under the Influence; Habitual Offender

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 prior to the instant offense of operating a motor vehicle under the influence of an intoxicant.
(HB1181 HD1)

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