
A BILL FOR AN ACT

RELATING TO HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE
OF AN INTOXICANT.

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

9 (1) A judgment or a verdict of a finding of guilty, or a
10 plea of nolo contendere, for a violation of this
11 section or section 291-4.4, as that section was in
12 effect on December 31, 2001;

13 (2) A judgment on a verdict or a finding of guilty, or
14 plea of nolo contendere, for an offense that is
15 comparable to this section or section 291-4.4, as that
16 section was in effect on December 31, 2001; 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 4.4, as that section was in effect on December 31,
5 2001;

6 that, at the time of the instant offense, had not been
7 expunged by pardon, reversed, or set aside. All
8 convictions that have been expunged by pardon, reversed, or
9 set aside prior to the instant offense shall not be deemed
10 prior convictions for the purposes of proving the person's
11 status as a habitual operator of a vehicle while under the
12 influence of an intoxicant.

13 "Convicted three or more times for offenses of operating a
14 vehicle under the influence" means that, at the time of the
15 behavior for which the person is charged under this section, the
16 person had three or more times within ten years of the instant
17 offense:

18 (1) A judgment on a verdict or a finding of guilty, or a
19 plea of guilty or nolo contendere, for a violation of
20 ~~[this section or]~~ section 291-4 ~~[, 291-4.4,]~~ or section
21 291-7 as those sections were in effect on December 31,
22 2001, or section 291E-61 or 707-702.5;



1 (2) A judgment on a verdict or a finding of guilty, or a
2 plea of guilty or nolo contendere, for an offense that
3 is comparable to [~~this section or~~] section 291-4 [~~,~~
4 ~~291-4.4,~~] or section 291-7, as those sections were in
5 effect on December 31, 2001, or section 291E-61 or
6 707-702.5; or

7 (3) An adjudication of a minor for a law or probation
8 violation that, if committed by an adult, would
9 constitute a violation of [~~this section or~~] section
10 291-4 [~~,~~ ~~291-4.4,~~] or section 291-7, as those sections
11 were in effect on December 31, 2001, or section 291E-
12 61 or 707-702.5;

13 that, at the time of the instant offense, had not been
14 expunged by pardon, reversed, or set aside. All
15 convictions that have been expunged by pardon, reversed, or
16 set aside prior to the instant offense shall not be deemed
17 prior convictions for the purposes of proving the person's
18 status as a habitual operator of a vehicle while under the
19 influence of an intoxicant.

20 [~~A person has the status of a "habitual]~~ "Habitual operator
21 of a vehicle while under the influence of an intoxicant" [~~if]~~
22 means that the person [~~has been]~~];



- 1 (1) Was convicted three or more times [~~within ten years of~~
2 ~~the instant offense,~~] for offenses of operating a
3 vehicle under the influence of an intoxicant [~~-~~]; or
4 (2) Was convicted one or more times for offenses of
5 habitually operating a vehicle while under the
6 influence."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2013.

10



Report Title:

Vehicle Operation; Habitually Operating a Vehicle While Under the Influence of an Intoxicant

Description:

Expands definition of habitual operator of a vehicle while under the influence of an intoxicant to include persons with convictions within the last ten years of the offense for habitually operating a vehicle while under the influence of an intoxicant. (SD1)

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