

JAN 17 2014

A BILL FOR AN ACT

RELATING TO HABITUALLY OPERATING A VEHICLE WHILE 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 of an intoxicant"
6 means that, at the time of the behavior for which the person is
7 charged under this section, the person had one or more times
8 within ten years of the instant offense:

9 (1) A judgment on a verdict or 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 a
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 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 the person's status as a habitual operator
11 of a vehicle while under the influence of an intoxicant.

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

17 (1) A judgment on a verdict or a finding of guilty, or a
18 plea of guilty or nolo contendere, for a violation of
19 ~~[this section or]~~ section 291-4 [~~, 291-4.4,~~] or 291-7
20 as those sections were in effect on December 31, 2001,
21 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[~~r~~
4 ~~291-4.4,~~] or 291-7 as those sections were in effect on
5 December 31, 2001, or section 291E-61 or 707-702.5; or
- 6 (3) An adjudication of a minor for a law or probation
7 violation that, if committed by an adult, would
8 constitute a violation of [~~this section or~~] section
9 291-4[~~r~~, ~~291-4.4,~~] or 291-7 as those sections were in
10 effect on December 31, 2001, or section 291E-61 or
11 707-702.5;
- 12 that, at the time of the instant offense, had not been expunged
13 by pardon, reversed, or set aside. All convictions that have
14 been expunged by pardon, reversed, or set aside prior to the
15 instant offense shall not be deemed prior convictions for the
16 purposes of proving the person's status as a habitual operator
17 of a vehicle while under the influence of an intoxicant.
- 18 [~~A person has the status of a "habitual~~] "Habitual operator
19 of a vehicle while under the influence of an intoxicant" [~~if~~].
20 means that the person [~~has been convicted three~~] was convicted:



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

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

8 SECTION 3. This Act shall take effect on July 1, 2014.

9

INTRODUCED BY: ~~Sen. Dick~~ Sen. Dick
Randy de Bak
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Report Title:

Motor Vehicles; 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 violators with at least one conviction within the last ten years for offense of habitually operating a vehicle while under the influence of an intoxicant.

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