

JAN 18 2013

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 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-



1 4.4, or 291-7 as those sections were in effect on
2 December 31, 2001, or section 291E-61 or 707-702.5; or
3 (3) 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 section 291-
6 4, 291-4.4, or 291-7 as those sections were in effect
7 on December 31, 2001, or section 291E-61 or 707-702.5;
8 that, at the time of the instant offense, had not been expunged
9 by pardon, reversed, or set aside. All convictions that have
10 been expunged by pardon, reversed, or set aside prior to the
11 instant offense shall not be deemed prior convictions for the
12 purposes of proving the person's status as a habitual operator
13 of a vehicle while under the influence of an intoxicant.

14 ~~[A person has the status of a "habitual]~~ "Habitual operator
15 of a vehicle while under the influence of an intoxicant" [~~if]~~
16 means that the person:

17 (1) ~~[has been]~~ Was convicted three or more times within
18 ten years of the instant offense, for offenses of
19 operating a vehicle under the influence of an
20 intoxicant~~[-]~~; or

21 (2) Was convicted within ten years of the instant offense,
22 for habitually operating a vehicle under the influence



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1 of an intoxicant under this section, and the
 2 conviction was not expunged by pardon, reversed, or
 3 set aside at the time of the instant offense."

4 SECTION 2. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: *Anna Mercedes*

By Request



S.B. NO. 444

Report Title:

Vehicle Operation; Habitual Intoxication

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 under the influence of an intoxicant. Effective July 1, 2013.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

