

STAND. COM. REP. NO. 2593

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2408

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2408 entitled:

"A BILL FOR AN ACT RELATING TO HABITUALLY OPERATING A VEHICLE
WHILE UNDER THE INFLUENCE OF AN INTOXICANT,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
offense of habitually operating a vehicle under the influence of
an intoxicant by:

- (1) Including within the definition of "habitual operator of
a vehicle while under the influence of an intoxicant",
violators who are convicted one or more times for
offenses of habitually operating a vehicle while under
the influence of an intoxicant; and
- (2) Amending the definition of "convicted three or more
times for offenses of operating a vehicle under the
influence".

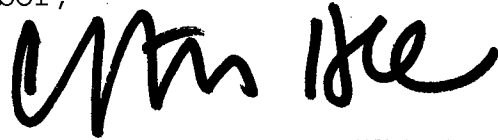
Your Committee received testimony in support of this measure
from the Department of Transportation; Department of the
Prosecuting Attorney, City and County of Honolulu; Department of
the Prosecuting Attorney, County of Maui; Office of the
Prosecuting Attorney, County of Kauai; Police Department, County
of Maui; Police Department, City and County of Honolulu; and one
individual. Testimony in opposition to this measure was submitted
by the Office of the Public Defender.



Your Committee finds that under existing law, a prior felony conviction for habitually operating a vehicle under the influence of an intoxicant (HOVUII) under section 291E-61.5, Hawaii Revised Statutes, is treated the same as a prior petty misdemeanor conviction for operating a vehicle under the influence of an intoxicant (OVUII) under section 291E-61, Hawaii Revised Statutes, for the purposes of triggering a subsequent HOVUII charge. As a result, a loophole exists when an individual committing the offense of OVUII after being convicted of the offense of HOVUII, within ten years of the current offense, may not have the same status as a habitual operator of a vehicle while under the influence of an intoxicant unless there were at least two more convictions of HOVUII, OVUII, or a combination of both within the applicable ten year period. Accordingly, this measure assists in the appropriate enforcement and oversight of these offenses and ensures that the definition of "habitual operator of a vehicle while under the influence of an intoxicant" accurately reflects the intent of the law.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



