

STAND. COM. REP. NO.

1230

Honolulu, Hawaii

March 28, 2013

RE: S.B. No. 442
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 442, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose of this measure is to curtail underage drinking by:

- (1) Requiring a reckless rather than a knowing state of mind for the misdemeanor crime of promoting intoxicating liquor to a person under the age of 21; and
- (2) Providing that any liquor licensee or employee who sells, serves, or furnishes liquor to a minor or allows a minor to consume liquor shall be guilty of promoting intoxicating liquor to a person under the age of 21.

Your Committee received testimony in support of this measure from the Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and the Libertarian Party of Hawaii. The Department of the Prosecuting Attorney of the County of Maui and the Department of Liquor Control of the County of Maui submitted comments.

SB442 HD1 HSCR JUD HMS 2013-2824



Your Committee notes that discussions between the various proponents of this measure found the conforming amendment made to section 281-78, Hawaii Revised Statutes, unnecessary to effectuate the intent of this measure. Therefore, your Committee has amended this measure by:

- (1) Deleting the conforming amendment to section 281-78, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



