

Honolulu, Hawaii

FEB 13 2013

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 442 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish a
misdemeanor offense of promoting intoxicating liquor to a person
under the age of twenty-one for recklessly: selling, offering to
sell, influencing the sale, service, delivery, or giving of
intoxicating liquor to a person under 21 years or permitting a
person under 21 years to possess intoxicating liquor while on
property under a liquor licensee's control.

Your Committee received testimony in support of this measure
from the Honolulu Police Department, City and County of Honolulu;
Department of the Prosecuting Attorney, County of Maui; and
Department of Liquor Control, County of Maui. Your Committee
received testimony in opposition to this measure from the Honolulu
Liquor Commission.

Your Committee finds that the consumption of liquor by minors
continues to be a significant public health issue. The goal of
this measure is to ensure that those selling, serving, delivering,
or giving intoxicating liquor verify the date of birth of the
person receiving the intoxicating liquor, resulting in increased
compliance with liquor laws. This measure lowers the standard of
care expected from licensees when serving liquor to those of



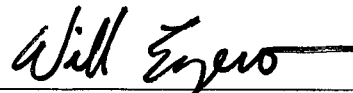
questionable age, from that of knowingly to recklessly, which eases the burden of proof in prosecuting this offense.

Your Committee has amended this measure by deleting its contents and inserting language from H.B. 1060 (Regular Session of 2013), which:

- (1) Amends the existing offense of promoting intoxicating liquor to a person under the age of twenty-one under section 712-1250.5, Hawaii Revised Statutes, to change the state of mind element from "knowingly" to "recklessly"; and
- (2) Amends section 281-78, Hawaii Revised Statutes, to specify that any liquor licensee or its employee that sells, serves, or furnishes any liquor to a minor or allows a minor to consume any liquor shall be guilty of the offense of promoting intoxicating liquor to a person under the age of twenty-one under section 712-1250.5, Hawaii Revised Statutes; and
- (3) Contains a savings clause.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



