

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 444
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 Transportation and International Affairs,
to which was referred S.B. No. 444 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to expand the
definition of "habitual operator of a vehicle while under the
influence of an intoxicant" to include persons with a conviction
within the last ten years of the offense of habitually operating a
vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure
from the Department of Transportation, Honolulu Police Department,
Office of the Maui Prosecuting Attorney, Maui Police Department,
and Mothers Against Drunk Driving. Your Committee received
testimony in opposition to this measure from the State Public
Defender and one individual.

Your Committee finds that under existing law, a person has
the status of a habitual operator of a vehicle while under the
influence of an intoxicant if the person was convicted three or
more times within ten years for offenses of operating a vehicle
under the influence of an intoxicant prior to conviction of the
instant offense. This measure makes one or more convictions of
habitually operating a vehicle while under the influence
punishable to the same extent as three or more prior convictions
of operating a vehicle under the influence of an intoxicant. The

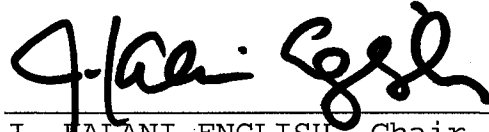


intent of this measure is to tighten the laws on drunk driving and to close a possible loophole.

Your Committee has amended this measure by clarifying the language, on recommendation of the Maui Prosecuting Attorney.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 444, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 444, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,


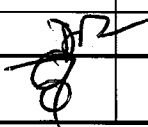
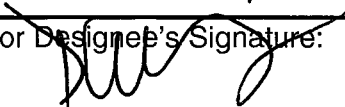


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 444	TIA, JDL	2-11-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
DELA CRUZ, Donovan M. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				
TOTAL				1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes