

Honolulu, Hawaii  
April 4, 2016

RE: S.B. No. 2246

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2246 entitled:

"A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS,"

begs leave to report as follows:

The purpose of this measure is to address a recent Hawaii Supreme Court holding that criminal penalties for refusal to submit to testing for blood alcohol content are inherently coercive and unconstitutional. Specifically, this measure repeals section 291E-68, Hawaii Revised Statutes, which makes it a petty misdemeanor to refuse to submit to a breath, blood, or urine test.

The Department of Transportation, Office of the Public Defender, Honolulu Police Department, Office of the Prosecuting Attorney of the County of Kauai, and Department of the Prosecuting Attorney for the County of Maui supported this measure.

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. 2246 and recommends that it pass Third Reading.



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

*Karl Rhoads*

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KARL RHOADS, Chair



