



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Transportation and Energy**

January 28, 2015, 2:45 p.m.

**S.B. No. 2053: RELATING TO THE USE OF INTOXICANTS WHILE OPERATING
A VEHICLE.**

Chair Inouye and Members of the Committee:

This measure proposes to reduce the OUVII threshold from .08% blood alcohol content (BAC) to .06% blood alcohol content. For reasons stated below, we oppose this measure.

A reduction of the alcohol impairment level to .06% BAC casts too wide a net, and will result in criminalizing the behavior of normal responsible drinkers without having an impact on reducing alcohol related fatalities. There are many responsible drinkers who do not drink and drive, or who limit their alcohol consumption to one to two drinks over the course of a night. These are the kind of people who are law-abiding and follow the rules. A reduction of the BAC will result in some of these individuals being arrested for OVUII. Teachers, lawyers, doctors, truck drivers and perhaps politicians will be caught in this wide net. The people who drive drunk and plow into innocent people are not these kind of people. They are alcohol dependent, and/or uncaring individuals. Our high BAC drivers do not have licenses and/or insurance. A reduction of the BAC or increase in penalties will not stop these kinds of people from getting in a car and driving.

Another consequence of a reduction of the BAC will be increased court congestion. In order to deal with the backlog, you will have add judges, prosecutors and public defenders. At our current staffing level, the earliest we can schedule an appointment to meet our traffic and misdemeanor clients is 2 ½ to 3 months. An increase in our OVUII caseload will require at least two more attorneys and another clerical position on Oahu alone. With the amount of cases already clogging the district court, there will be more cases dismissed due to a Rule 48, Hawaii Rules of Penal Procedure and/or Speedy Trial violation. The concentration should be reducing traffic fatalities, not increasing court congestion.

The Office of the Public Defender opposes S.B. No. 2053. Thank you for the opportunity to be heard on this matter.

Kaala Coleman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 27, 2016 6:31 PM
To: TRE Testimony
Cc: mikenakas@hotmail.com
Subject: *Submitted testimony for SB2053 on Jan 28, 2016 14:45PM*

Categories: Blue Category

SB2053

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Kaala Coleman

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Cc: mz9995@hotmail.com
Subject: Submitted testimony for SB2053 on Jan 28, 2016 14:45PM

Categories: Blue Category

SB2053

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Individual	Oppose	Yes

Comments: 0.6 IS NOT DRUNK. SB2053 is senseless and harmful. Harmful to the hospitality business and harmful to drivers who weren't even impaired.

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LATE

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Cc: mypurpleplanet@outlook.com
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SB2053

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	No

Comments: This bill will harm bar and restaurant sales. It won't do anything at all for public safety. Please "kill" SB2053 in committee.

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Cc: 777dnel@gmail.com
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Categories: Blue Category

SB2053

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Nelson	Individual	Oppose	No

Comments:

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Categories: Blue Category

SB2053

Submitted on: 1/27/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

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To: TRE Testimony
Cc: chevyriderhhh@gmail.com
Subject: Submitted testimony for SB2053 on Jan 28, 2016 14:45PM

SB2053

Submitted on: 1/28/2016

Testimony for TRE on Jan 28, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	No

Comments: Put me down as "strongly opposed" to lowering the BAC getting a for DUI.

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