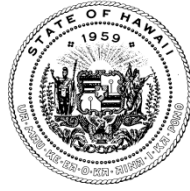


SB 613

RELATING TO PENALTIES.

Enhances penalties for a conviction of operating a vehicle after license and privilege have been suspended or operating a vehicle under the influence of an intoxicant.

DAVID Y. IGE
GOVERNOR



FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
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EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 3, 2015
2:45 pm
State Capitol, Room 229

S.B. 613
RELATING TO PENALTIES

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 613, Relating to Penalties. This bill increases the penalties for driving while a person's drivers license has been suspended or revoked for operating a vehicle under the influence of an intoxicant (OVUII).

Many drivers continue to drive after they have been arrested for OVUII. By increasing these penalties, it will create a stronger deterrent to these violators to deter them from driving after their license has been suspended or revoked.

Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE CT-GR

February 3, 2015

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Transportation
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 613, Relating to Penalties

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu. The HPD supports the passage of Senate Bill No. 613, Relating to Penalties.

Hawaii's ignition interlock law has proven to be a successful tool in terms of saving lives. In 2014, ignition interlock devices prevented 15,575 attempted engine starts by drivers who had been drinking. Drivers who choose to abide by the law can have an ignition interlock device installed during his or her license revocation, allowing him or her to drive legally.

The National Highway Traffic Safety Administration estimates that more than half of drivers whose licenses have been revoked for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) continue to drive illegally. This represents a substantial and unjustifiable risk to everyone on our roadways.

Currently, drivers who have been previously arrested and convicted for OVUII (or had his or her license administratively revoked) and who choose to drive illegally without an ignition interlock permit in violation of Hawaii Revised Statutes Section 291E-62 face a term of imprisonment of not less than three consecutive days. However, when an offender is arrested and later released from police custody pending a court date, they are typically given "credit for time served" for any portion of a calendar day they were in police custody. As a result, when being adjudicated in district court, the sentence is reduced from "three consecutive" days to one or two days.

Increasing the minimum terms of imprisonment for drivers convicted of his or her first and second offense will reinforce the consequences of driving while his or her license is revoked for OVUII. It will force drivers to reconsider driving legally by installing an ignition interlock permit while providing those who choose to drive illegally with consequences that are significant enough to encourage behavioral change.

The Honorable Clarence K. Nishihara, Chair
and Members
Page 2
February 3, 2015

The HPD urges you to support Senate Bill No. 613, Relating to Penalties.

Thank you for the opportunity to testify.

Sincerely,



CALVIN TONG, Major
Traffic Division

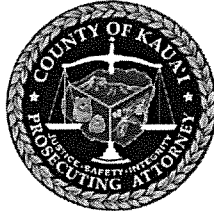
APPROVED:



LOUIS M. KEALOHA
Chief of Police

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
SB613 – RELATING TO PENALTIES

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Transportation
February 3, 2015, 2:45 p.m., Conference Room 229

Chair Nishihara, Vice Chair Harimoto, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB613 – Relating to Penalties. The Bill enhances the penalties for a first and second conviction of Operating a Vehicle After License and Privilege Have Been Suspended or Revoked for Operating a Vehicle Under the Influence of an Intoxicant, HRS Section 291E-62.

Under existing law, a first offense provides for a term of imprisonment of not less than three days but not more than thirty days. SB 613 increases the mandatory minimum term of imprisonment, requiring the court to sentence an offender to not less than ten days imprisonment but not more than thirty days.

Currently, a second time offender must be sentenced to thirty days imprisonment. SB 613 will change the mandatory term of imprisonment for a second offense to “not less than thirty days but not more than sixty days[.]” The current penalties for first and second time offenders, a minimum of three days for first time offenders, and thirty days for a second time offender, are insufficient penalties. SB 613 provides a more balanced penalty increase while also providing the court with more discretion in sentencing second time offenders.

Accordingly, we are in **STRONG SUPPORT** of SB613. We request that your Committee **PASS** the Bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Justin F. Kollar
Prosecuting Attorney



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

February 3, 2015

To: Senator Clarence K. Nishihara, Chair — Senate Committee on
Transportation; Senator Breene Harimoto, Vice Chair, and members of the
Committee

From: Arkie Koehl/Carol McNamee—Co-chairmen, Public Policy Committee -
MADD Hawaii

Re: Senate Bill 613 – Relating to Penalties

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of Senate Bill 613. The bill increases jail time for those driving while their license has been revoked for operating a vehicle under the influence of an intoxicant (OVUII), a violation of HRS 291-E62.

The National Highway Traffic Safety Administration and MADD has long estimated that between 50% and 75% of drivers whose licenses have been revoked for drunk driving continue to drive illegally. We believe this flaunting of the law persists despite the Legislature's establishment in 2010 of the ignition interlock law, allowing offenders to drive legally during revocation.

Driving without a license or an interlock device after being arrested for OVUII clearly represents a significant danger to Hawaii residents. But the sanctions currently laid down in HRS 291-E62 are, in our view, insufficient to get the attention of such drivers. At present, a first violation for driving while revoked for OVUII calls for a minimum of three days in jail. Through technicalities of arrests and timing, however, these three days can become as little as one day plus an hour or two. Thus the proposed minimum sentence in Senate Bill 613 would increase to 10 days for the first offense. A minimum of 30 days is proposed for the second offense of 291-E62.

It is not the object of SB 613 to put offenders in jail longer. It is to underscore the consequences of choosing to drive illegally while revoked. And to persuade you to make choices: use the bus, ride a bike, call a taxi, find a designated driver, install interlock — just **don't drive illegally**.

MADD encourages the passage of SB 613. Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [TRA Testimony](#)
Cc: steine@hawaii.edu
Subject: *Submitted testimony for SB613 on Feb 3, 2015 14:45PM*
Date: Friday, January 30, 2015 4:16:09 PM

SB613

Submitted on: 1/30/2015

Testimony for TRA on Feb 3, 2015 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Steinemann	Individual	Support	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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