

DAVID Y. IGE  
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**Testimony by:**  
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IN REPLY REFER TO:

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

February 23, 2017  
2:00 p.m.  
State Capitol, Room 325

**H.B. 306, H.D. 1**  
**RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS**

House Committee on Judiciary

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The Department of Transportation (DOT) **supports** H.B. 306, H.D.1 relating to continuous alcohol monitoring for repeat offenders. This bill will mandate a driver charged who (1) has a prior conviction for operating a vehicle under the influence of an intoxicant (OVUII) within the last five years or habitually OVUII, or (2) currently pending criminal investigation or prosecution for one or more charges of OVUII or habitually OVUII to be fitted with a continuous monitoring device.

The DOT realizes the beneficial purpose that this bill provides concerning the repeat offenders arrested for OVUII. During the calendar year (CY) 2015, the Administrative Driver's License Revocation Office adjudicated 1,071 cases involving repeat offenders which represents 17 percent of the total number cases handled that year. These repeat offenders continued to drive, placing other roadway users at risk. Additionally, of the 93 motor vehicle fatalities that occurred in CY 2015, 51 or 54.8 percent had a positive alcohol and/or drug results.

The DOT recognizes that an initiative such as this will reduce the number of fatalities caused by drivers that are OVUII. The DOT urges your support by passing H.B. 306, H.D.1.

Thank you for the opportunity to provide testimony.

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

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THE HONORABLE SCOTT NISHIMOTO, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawai'i

February 23, 2017

RE: H.B. 306 H.D.1; RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS.

Chair Nishimoto, Vice Chair San Buenaventura and members of the House Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kauai ("Office") submits the following testimony, in strong support of H.B. 306, H.D. 1. The original bill H.B. 306 is part of the Honolulu Prosecutor's 2017 legislative package.

The purpose of H.B. 306, H.D. 1 is to require people who are charged with a repeat offense of operating a vehicle under the influence of an intoxicant ("OVUII") to wear a continuous alcohol monitoring ("CAM") device for at least ninety (90) days, while awaiting trial. The language of this bill also leaves open the option for courts to require use of a CAM device as part of a convicted offender's sentencing.

In 2012, the National Highway Traffic Safety Administration ("NHTSA") reported that 41% of all traffic fatalities in Hawaii were alcohol-impaired, versus the national average of 31%.<sup>1</sup> Moreover, between 2008 and 2012, 11% of all alcohol-related fatalities in Hawaii involved a driver who was previously convicted of operating a vehicle under the influence of an intoxicant.<sup>2</sup>

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<sup>1</sup> Hawaii State Department of Transportation, "Hawaii Strategic Highway Safety Plan, 2013-2018," p.12 (citing other sources). Available at <http://www.hawaiiishsp.com/wp-content/uploads/2015/05/FOR-WEBSITE-WITH-IGE-MESSAGE-2013-2018-SHSP-FINAL-single-pages-4,27,2015.pdf>. Accessed February 9, 2017.

<sup>2</sup> *Id.*

Although the Office's primary role is to prosecute defendants after they commit an (alleged) offense, our main interest is public safety and welfare, and to the extent criminal offenses can be prevented or minimized, the Office is dedicated to exploring and/or expanding all effective methods of prevention.

To our knowledge, CAM devices have proven to be a very effective means of reducing recidivism among repeat OVUII offenders in other states—pre-trial as well as post-conviction—and shows great potential to significantly decrease OVUII recidivism in Hawaii as well. Not only would this save lives, but it would generally assist in making our community a safer place to live and work.

In crafting H.B. 306, and developing amended language for the H.D. 1, we have worked diligently with other stakeholders to share ideas and explore various ways in which this type of technology could be applied most effectively in Hawaii. While we understand that specific procedures for implementing the use of CAM devices may continue to evolve, we strongly believe that pre-trial application is important, to minimize the chance that defendants will consume alcohol—and minimize the risk of them injuring themselves or others—while awaiting trial. In our experience, this is typically a period of several months, during which time we have often suspected that defendants are continuing to drive impaired on other occasions.

For all of the foregoing reasons, the Office of the Prosecuting Attorney of the County of Kaua'i strongly supports the passage of H.B. 306, H.D. 1. Thank for you the opportunity to testify on this bill.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
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CARY OKIMOTO  
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DEPUTY CHIEFS

OUR REFERENCE KI-GR

February 23, 2017

The Honorable Scott Y. Nishimoto, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 306, H.D. 1, Relating to Continuous Alcohol Monitoring for Repeat Offenders

I am Kerry Inouye, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

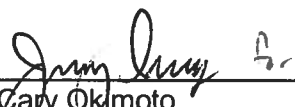
The HPD supports the passage of House Bill No. 306, H.D. 1, Relating to Continuous Alcohol Monitoring for Repeat Offenders, as written.

The HPD recognizes the danger caused by impaired drivers and the need to address habitual offenders. The use of the continuous alcohol monitoring device may deter these offenders from further jeopardizing the safety of all pedestrians and drivers on our streets.

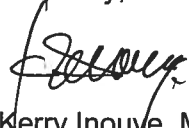
Therefore, the HPD urges you to pass House Bill No. 306, H.D. 1, Relating to Continuous Alcohol Monitoring for Repeat Offenders, as it is written.

Thank you for the opportunity to testify.

APPROVED:

  
Cary Okimoto  
Acting Chief of Police

Sincerely,

  
Kerry Inouye, Major  
Traffic Division

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
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**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2017**  
**State of Hawai`i**

February 23, 2017

**RE: H.B. 306, H.D. 1; RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS.**

Chair Nishimoto, Vice Chair San Buenaventura and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony, in strong support of H.B. 306, H.D. 1. The original bill H.B. 306 is part of the Department’s 2017 legislative package.

The purpose of H.B. 306, H.D. 1 is to require people who are charged with a repeat offense of operating a vehicle under the influence of an intoxicant (“OVUII”) to wear a continuous alcohol monitoring (“CAM”) device for at least ninety (90) days, while awaiting trial. The language of this bill also leaves open the option for courts to require use of a CAM device as part of a convicted offender’s sentencing.

In 2015, the National Highway Traffic Safety Administration (“NHTSA”) reported that of the 93 traffic fatalities in Hawaii, 54% were alcohol or drug related. In 2016, there has been a total of 120 traffic fatalities, 62 which have been processed, 32 which appear to be alcohol or drug related. Although the Department’s primary role is to prosecute defendants after they commit an (alleged) offense, our main interest is public safety and welfare, and to the extent criminal offenses can be prevented or minimized, the Department is dedicated to exploring and/or expanding all effective methods of prevention.

In crafting H.B. 306, and developing amended language for the H.D. 1, we have worked diligently with other stakeholders to share ideas and explore various ways in which this type of technology could be applied most effectively in Hawaii. While we understand that specific procedures for implementing the use of CAM devices may continue to evolve, we strongly believe that pre-trial application is important, to minimize the chance that defendants will consume alcohol—and minimize the risk of them injuring themselves or others—while awaiting trial. In our experience, this is typically a period of several months, during which time we have often suspected that defendants are continuing to drive impaired on other occasions.

To our knowledge, CAM devices have proven to be a very effective means of reducing recidivism among repeat OVUII offenders in other states—pre-trial as well as post-conviction—and shows great potential to significantly decrease OVUII recidivism in Hawaii as well. Most recently, the District Attorney’s Office in Lancaster County which is located in Pennsylvania reported their findings since implementing continuous alcohol monitoring in 2015. According to their office, “only 11 of more than 500 individuals who wore scam anklets under the county’s DUI Repeat Offender Program (DROP) last year violated having a drink.” More importantly, since the implementation of these devices, “None of them were charged with a new DUI.” The use of a continuous alcohol monitoring device for repeat offenders has not only proven to be effective, it would also assist in saving lives, and making our community a safer place to live and work.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 306, H.D. 1. Thank for you the opportunity to testify on this bill.



Good morning Chairman Nishimoto, Vice Chair San Buenaventura, and Members of the Committee. Thank you for the opportunity to testify on the merits of House Bill 306 and sobriety monitoring programs for repeat offenders of operating a vehicle under the influence of an intoxicant.

My name is Moses Leasiolagi, and I am the Hawaii regional business manager for [SCRAM Systems](#), the inventor of the world's first transdermal alcohol monitoring technology.

As you know, in 2014 Hawaii experienced 95 traffic fatalities, 32 of which, or 34%, involved an alcohol-impaired driver.<sup>1</sup> Additionally, in 2015 police reportedly made 5,250 arrests for DUI in Hawaii; 4,605 of which were in the City/County of Honolulu.<sup>2</sup> Of those, 35% were repeat offenders.<sup>3</sup>

Fortunately, new programs that enhance public safety and promote behavioral change for repeat drunk drivers are available. Technology such as the SCRAM Continuous Alcohol Monitoring bracelet tests an individual once every 30 minutes, 48 times a day, for the presence of alcohol through their sweat. This technology enables authorities to effectively monitor sobriety conditions as authorized by House Bill 306.

Jurisdictions who have implemented similar criteria-based, bail-release DUI programs mandating sobriety, as verified by a SCRAM Continuous Alcohol Monitoring bracelet, have resulted in:

- A 90% reduction in the number of DUI offenders arrested for another DUI within the first year;
- A 12% decrease in DUI victims served by the District Attorney's Office<sup>4</sup>; and
- A significant decline in the number of alcohol-related crashes.<sup>5</sup>

With the passage of House Bill 306, Hawaii can expect similar outcomes.

Thank you for the opportunity to testify before you today.

Moses Leasiolagi  
Alcohol Monitoring Systems  
Account Manager - NW Region  
(509) 570-8167

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<sup>1</sup> <https://www-fars.nhtsa.dot.gov/States/StatesAlcohol.aspx>

<sup>2</sup> Honolulu Police Department's Annual Report 2015.

<sup>3</sup> [http://www.courts.state.hi.us/news\\_and\\_reports/featured\\_news/2014/03/2014\\_graduation](http://www.courts.state.hi.us/news_and_reports/featured_news/2014/03/2014_graduation)

<sup>4</sup> From 18% in 2011 to 6% in 2013.

<sup>5</sup> From 506 in 2011 to 404 in 2013.



**LATE**



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February 23, 2017

To: Rep. Scott Y. Nishimoto, Chair, Chair, House Committee on Judiciary; Rep. Joy A. San Buenaventura, Vice Chair; and members of the Committee

From: JoAnn Hamaji-Oto, State Director, Smart LLC, Hawaii Corporate Office

Re: House Bill 306 — Relating to Continuous Alcohol Monitoring for Repeat Offenders

I am JoAnn Hamaji-Oto, the State Director for Smart Start LLC, Hawaii Corporate Office and the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering testimony in opposition of House Bill 306 relating to continuous alcohol monitoring (CAM) for repeat offenders. While CAM technology is a useful tool in assisting authorities in monitoring alcohol use in OVUII offenders, it does not provide instant notification of an alcohol positive test and more importantly, it does not and will not stop them from starting their car after consuming alcohol and driving drunk. Ignition interlocks is the only technology and the single most effective way to keep an alcohol-impaired driver from turning the key on their vehicle and wreaking havoc on our roadways.

As you are most likely aware, ignition interlocks prevents an intoxicated driver from operating a motor vehicle if their breath alcohol concentration (BrAC) exceeds a set point (typically .020). Drivers must provide a breath sample by blowing into an ignition interlock device before starting their car. If the driver's BrAC is over the set point, the vehicle will not start. The ignition interlock is also calibrated to require a driver to provide breath tests at regular intervals while driving (rolling retests). This is to prevent drivers from asking a sober person to start the car and/or consume alcohol while driving. A data recorder logs the driver's BrAC for each attempt to start the vehicle and each rolling test.

According to MADD's 2016 Ignition Interlock report, ignition interlocks stopped 1.77 million drunk drivers from starting their cars with a blood alcohol concentration (BAC) of .08 or higher. The number of people stopped from drinking and driving by alcohol ignition interlocks is 12.7 million at a BAC of .025 or higher. Numerous research studies have proven that interlock devices reduce recidivism by 50% to 90% when installed in and maintained on an OVUII offender's vehicle.

Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 72,612 drunk driving attempts in the state of Hawaii. In 2016, that number was 12,685 and the current number is 923 prevented drunk driving attempts. The ignition interlock did what it was supposed to do, it prevented intoxicated drivers



from starting their cars, directly preventing drunk driving and the injuries and deaths it causes.

The State's Impaired Driving Task Force (IDTF) is currently discussing the effectiveness of various alcohols monitoring systems as well as looking to strengthen and close any loopholes in the current ignition interlock law. Since the current ignition interlock law allows for OVUII offenders to install an ignition interlock only if they need or want to drive during their period of revocation, we strongly urge that the law is strengthened by requiring mandatory installation of an ignition interlock on all OVUII offenders. They should not be given the choice of waiting out the revocation period without ever installing an ignition interlock. This is a dangerous situation as it is estimated that between 50 to 75% of people continue to drive on a suspended license. An ignition interlock study by the Johns Hopkins Bloomberg School of Public Health has found that states that mandate the devices for all drunk drivers have fewer alcohol related crashes. It found that traffic fatalities declined 7 percent in states that mandated ignition interlocks for first-time drunken-driving offenders. The drop was bigger in states that required the devices for all offenders. The conclusion of the ignition interlock study is compelling: **ignition interlock effectively reduces alcohol-involved fatal crashes.**

In conclusion, we urge you to oppose HN 306 as written. OVUII offenders should be made to comply with the requirements to install an interlock device before their driving privileges are restored will separate drinking from driving, help save lives and keep Hawaii roads safe from drunk drivers.

Thank you for the opportunity to provide testimony.

**LATE**

LATE TESTIMONY



Mothers Against Drunk Driving HAWAII  
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hi.state@madd.org

February 23, 2017

**To:** Representative Scott Nishimoto, Chair, House Committee  
Judiciary; Vice Chair Joy Buenaventura; and members of the  
Committee

**From:** Arkie Koehl & Carol McNamee, Public Policy Committee,  
MADD Hawaii

**Re:** House Bill 306 H.D. 1 — Relating to Continuous Alcohol  
Monitoring for Repeat Offenders

I am Arkie Koehl, offering testimony on behalf of the members of Mothers Against Drunk Driving Hawaii in support of HB 306 HD 1, but with concerns regarding its effect on the highly successful ignition interlock program now in its seventh year.

MADD would welcome an HD 2 clarifying how continuous alcohol monitoring will work to support increased use of ignition interlocks. Monitoring devices track alcohol use, but cannot prevent someone from drinking and driving, as ignition interlocks do. We feel language explaining how the two devices complement each other would be helpful to the Legislature.

The State's Impaired Driving Task Force (IDTF) is currently exploring various monitoring systems with a similar purpose to the continuous device mentioned in HB 306. The Task Force notes that the effectiveness of any such systems probably requires that convicted offenders be put on probation. The IDTF is currently in discussions with the Probation Department to arrive at a broad understanding of costs and logistics of probation for OVUII offenders.

Having probation was a goal of the original Ignition Interlock Task Force during its early days. It was taken off the table due to the state's precarious financial position at the time, with the explicit proviso that it would continue to be a goal going forward. The IDTF expects to wrap up its discussions with Probation soon and to draft a comprehensive bill for the next session, incorporating what we have learned from the first six years of interlock, what loopholes we need to close, and other improvements. We expect that our deliberations will steer us toward an effective monitoring system at a reasonable cost to the offender for those individuals not eligible for, or not choosing to enter the Ignition Interlock program.

MADD hopes the Committee will join in the discussions going forward (which should involve the role of the six year old Ignition Interlock program), and join in MADD's dream of "No More Victims." Thank you for this opportunity to testify.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 2:42 PM  
**To:** JUDtestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB306 on Feb 23, 2017 14:00PM\*

**HB306**

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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