



**Office of the Public Defender
State of Hawaii**



**Testimony of the Office of the Public Defender
to the House Committee on Judiciary**

February 22, 2018

H.B. No. 2588: RELATING TO EXTENDED TERMS OF IMPRISONMENT

Chair Scott Y. Nishimoto, Vice Chair Joy A. San Buenaventura, and Members of the Committee:

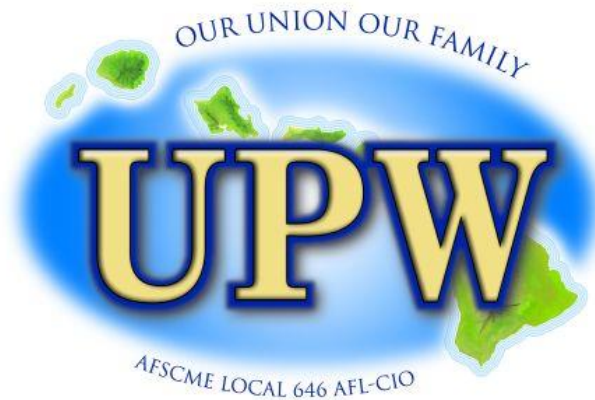
The Office of the Public Defender opposes H.B. 2588. The sudden, unexpected death of a loved one is a tragic event that unfortunately, impacts the lives of their survivors for the rest of their lives. However, we do not believe that a person who commits a negligent act should be subjected to an extended term of imprisonment.

Extended terms of imprisonment have been reserved for those individuals deemed incorrigible or those who committed acts against vulnerable victims. Persistent offenders, professional criminals, dangerous persons, multiple offenders, hate crimes, elderly and minors eight years of age or younger, are categories for which a defendant may be eligible for an extended term of imprisonment. A person who commits a negligent homicide does not possess the requisite state of mind for which an extended term is warranted.

Furthermore, the language in H.B. 2588 imposes a gross negligence standard. There are no criminal offenses in the Hawaii Penal Code which imposes such a standard. We do not believe there are any offenses which would qualify for an extended term under this measure. If the driver of the motor vehicle displayed a reckless state of mind, she could have been charged with manslaughter, which is a class A felony.

For these reasons, we oppose H.B. 2588.

Thank you for the opportunity to provide testimony in this matter.



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON JUDICIARY

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

DATE OF HEARING: Thursday, February 22, 2018
TIME OF HEARING: 2:00 pm
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 325

TESTIMONY ON HOUSE BILL 2588
RELATING TO EXTENDED TERMS OF IMPRISONMENT

By DAYTON M. NAKANELUA,
State Director of the United Public Workers (UPW),
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

This important bill establishes a gross negligence standard for imposition of an extended term of imprisonment for a defendant convicted of a felony that resulted in the death, disability, or serious disfigurement of another person because of the defendant's wilful and wanton disregard of the need to exercise reasonable care.

We respectfully request the committee to amend HB2588 to address negligent homicide and failing to render aide, to allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide.

The UPW supports HB2588 with the proposed amendment.

We appreciate the opportunity to submit this testimony.



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 22, 2018

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

From: Carol McNamee and Arkie Koehl, Public Policy Committee - MADD Hawaii

Re: House Bill 2588 – Relating to Extended Terms of Imprisonment

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of House Bill 2588, relating to Extended Terms of Imprisonment, with amendments.

MADD Hawaii prefers the wording of Senate Bill 2582 because of its simplicity and easy to understand language.

Basically, these bills add a new section to the “Criteria for extended terms of imprisonment” (706-662) to allow the Court to extend the sentence of a person convicted of Negligent Homicide in the first degree (impairment by alcohol and/or drugs) who left the scene of the collision without attempting to render aid to the victim(s).

This bill came about because of an April, 2016 tragedy on the leeward coast in which a young man, Kaulana Werner, was hit by an alleged impaired driver who did not stop and may have actually increased the injuries responsible for this 19 year-old’s death. The devastated family is determined that no future families suffer the terrible pain of thinking that their loved one might have survived - if only the responsible driver had stopped and either provided help or sought help.

It is sad to say that this crime of leaving the site of a collision without rendering aid seems to be more prevalent than ever before. I cannot give you statistics, but it is certainly not a rare occurrence. In fact, it just happened again this past week. With the attention this bill has been receiving due to the commitment and passion of Kaulana’s family, the drivers of the state will certainly be put on notice that, with passage of the measure, they will pay a price for not stopping to help after colliding with another vehicle, a biker, or a pedestrian on the road. MADD believes that this increased awareness will act as a deterrent to drivers who think about making the terrible decision to drink and drive.

We encourage this committee to pass HB 2588 with amendments making it similar to SB 2582.

Thank you for this opportunity to testify.

**Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813**

**Testimony to the House Committee on Judiciary
Thursday, February 22, 2018, 2:00 p.m.
State Capitol, Conf. Room 325**

RE: SUPPORTING HOUSE BILL NO. 2588, RELATING TO EXTENDED TERMS OF IMPRISONMENT.

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

My name is Erik Abe and I am submitting this WRITTEN testimony in my capacity as a CONCERNED CITIZEN. I am testifying in SUPPORT of House Bill No. 2588.

During the fall of 2017, I was approached by a friend and co-worker, Ron Shimabuku, to assist his family draft legislation to mitigate the devastating impacts that intoxicated driving has on the families of accident victims and survivors. In their case, the intoxicated driver killed a pedestrian and then drove off without giving aid to the victim. The driver was caught some distance away while in the process of repairing the damage to the car. When questioned by the police, the driver initially denied being involved in an accident but later stated the driver hit an animal.

The City Prosecutor's Office informed the family that the most they could charge the driver with would be Negligent Homicide in the Second Degree, a Class B felony, for which the maximum term of imprisonment that could be imposed would be ten years.

The family felt strongly that the maximum punishment that could be imposed was not sufficient in their case, especially in light of the driver's egregious conduct in fleeing the scene. While they understood that any legislative response could not be applied to their case as it is presently ongoing, they believed that they had a responsibility to do all that they could to ensure that no other family would have to go through what they are presently going through.

In researching the applicable statutes and through more thorough discussions with the family, it was learned that under Hawaii law, judges currently have the discretionary authority to extend the sentences of persons convicted of certain crimes that are especially heinous such as those committed against the elderly and children, and hate crimes. The family saw the inherent fairness that having the judge impartially review the totality of the facts of a case and allowing the judge to lengthen the term of imprisonment when it is so warranted.

From the family's perspective, what made this crime so devastating was the willful and wanton disregard that the driver demonstrated by driving off from the scene of the crime. Had the driver done what the law required – stop and render aid – the accident would not have been as painful to the family as it was. It was because of this that an earlier draft of the legislation before you would have amended Section 706-662, Hawaii Revised Statutes, to allow the judge to extend the sentence of a person convicted of a crime when "gross negligence", or "the willful and wanton disregard for the need to exercise reasonable care" is found to have taken place. As a means of narrowing the scope of when a judge would have this discretionary authority, language was borrowed from the verbal tort threshold found in the Motor Vehicle Insurance Law so that the discretionary authority would only be used in cases resulting in death, disability, or serious disfigurement of the victim.

While working on this draft, another situation came to the public's attention. It was learned that an intoxicated minor was involved in a traffic accident resulting in her death. She had obtained the alcohol from a bar to which she had become intoxicated. It was alleged that this bar frequently allowed minors to consume alcohol at their establishment despite this being against the law.

As the offense of Negligent Homicide in the Second Degree is presently defined, it is unclear whether the bar owner could be charged with this crime. In all likelihood, the only recourse for the family of the minor would be through civil action. Yet, when such egregious conduct takes place, is it not only a crime against an individual, but ultimately a crime against all of society? And if it is a crime against all of society, shouldn't such actions be dealt with in the criminal courts?

It was felt that the proposed draft if enacted could be applied in this case as well. If the most the bar owner would be charged with is a criminal misdemeanor or a Class C felony, the judge would be provided the discretionary authority to impose a longer sentence.

The family felt very strongly that this would serve justice for the family of the victims.

After preparing the draft, the family offered it to legislators for their consideration, including the Chair of the Senate Committee on Judiciary. In the Chair's wisdom, the draft was narrowed to apply specifically to cases where the defendant does not stop and render aid and introduced. The amended version was reported from Committee with a defective date, and approved on Third Reading by the Senate. A copy of the Committee Report and the version of the bill approved by the Senate is attached.

It should be noted that the original version of the draft was introduced in the House as House Bill No. 2588, which is presently before this Committee.

Testimony on House Bill No. 2588
Thursday, February 22, 2018; 2:00 p.m.
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Lastly, because of the substantive differences between the drafts, the family was asked whether they had a preference. Their unanimous position was that they would leave it to the wisdom of the Legislature to determine what would be best. What was most important they felt was that a bill be passed this year to address this situation so that no other family would have to go through what they are going through.

As a concerned citizen, I fully support their wishes and strongly urge you to amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval." This would fulfill their wishes to facilitate meaningful and immediate relief for the families of victims.

Thank you for your consideration of my testimony.

attachment

STAND. COM. REP. NO.

2157

Honolulu, Hawaii

FEB 09 2018

RE: S.B. No. 2582

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2582 entitled:

"A BILL FOR AN ACT RELATING TO EXTENDED TERMS OF IMPRISONMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to add certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment.

Your Committee received testimony in support of this measure from the Department of Transportation; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Mothers Against Drunk Driving Hawaii; Hawaii Regional Council of Carpenters; and forty-six individuals.

Your Committee finds that Hawaii is above the national average for persons who report driving after drinking too much, as well as the rate of deaths for all ages due to crashes involving a drunk driver. There has also recently been an increase in fatal automotive crashes in which the driver has failed to render aid after the crash. Such circumstances result in additional extreme distress for family and friends of the victim of the offender's criminal conduct. This measure will provide for extended terms of



imprisonment as a deterrent to driving while under the influence and failing to render aid in the event of a collision.

Your Committee has amended this measure by inserting an effective date of July 1, 2035, to encourage further discussion.

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. 2582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2582, S.D. 1, and be placed on the calendar for Third Reading.

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



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2582	Committee Referral: JDC	Date: 2/6/18		
<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
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

A BILL FOR AN ACT

RELATING TO EXTENDED TERMS OF IMPRISONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature notes with concern that, in
2 cases of vehicular homicide when the offender is under the
3 influence of drugs or alcohol, the offender may fail to render
4 aid as required by law. Such circumstances result in additional
5 extreme distress for family and friends of the victim of the
6 offender's criminal conduct.

7 The purpose of this Act is to provide the courts with the
8 authority to extend the terms of imprisonment of persons
9 convicted of negligent homicide under section 707-702.5, Hawaii
10 Revised Statutes, a class B felony, by adding it to the felonies
11 that may be subject to extended terms of imprisonment under
12 section 706-662.

13 SECTION 2. Section 706-662, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§706-662 Criteria for extended terms of imprisonment. A
16 defendant who has been convicted of a felony may be subject to
17 an extended term of imprisonment under section 706-661 if it is



1 proven beyond a reasonable doubt that an extended term of
2 imprisonment is necessary for the protection of the public and
3 that the convicted defendant satisfies one or more of the
4 following criteria:

5 (1) The defendant is a persistent offender in that the
6 defendant has previously been convicted of two or more
7 felonies committed at different times when the
8 defendant was eighteen years of age or older;

9 (2) The defendant is a professional criminal in that:

10 (a) The circumstances of the crime show that the
11 defendant has knowingly engaged in criminal
12 activity as a major source of livelihood; or

13 (b) The defendant has substantial income or resources
14 not explained to be derived from a source other
15 than criminal activity;

16 (3) The defendant is a dangerous person in that the
17 defendant has been subjected to a psychiatric or
18 psychological evaluation that documents a significant
19 history of dangerousness to others resulting in
20 criminally violent conduct, and this history makes the
21 defendant a serious danger to others. Nothing in this



1 section precludes the introduction of victim-related
2 data to establish dangerousness in accord with the
3 Hawaii rules of evidence;

4 (4) The defendant is a multiple offender in that:

5 (a) The defendant is being sentenced for two or more
6 felonies or is already under sentence of
7 imprisonment for any felony; or

8 (b) The maximum terms of imprisonment authorized for
9 each of the defendant's crimes, if made to run
10 consecutively, would equal or exceed in length
11 the maximum of the extended term imposed or would
12 equal or exceed forty years if the extended term
13 imposed is for a class A felony;

14 (5) The defendant is an offender against the elderly,
15 handicapped, or a minor eight years of age or younger
16 in that:

17 (a) The defendant attempts or commits any of the
18 following crimes: murder, manslaughter, a sexual
19 offense that constitutes a felony under chapter
20 707, robbery, felonious assault, burglary, or
21 kidnapping; and



- 1 (b) The defendant, in the course of committing or
- 2 attempting to commit the crime, inflicts serious
- 3 or substantial bodily injury upon a person who
- 4 has the status of being:
 - 5 (i) Sixty years of age or older;
 - 6 (ii) Blind, a paraplegic, or a quadriplegic; or
 - 7 (iii) Eight years of age or younger; and
- 8 the person's status is known or reasonably should
- 9 be known to the defendant; [e~~x~~]
- 10 (6) The defendant is a hate crime offender in that:
 - 11 (a) The defendant is convicted of a crime under
 - 12 chapter 707, 708, or 711; and
 - 13 (b) The defendant intentionally selected a victim or,
 - 14 in the case of a property crime, the property
 - 15 that was the object of a crime, because of
 - 16 hostility toward the actual or perceived race,
 - 17 religion, disability, ethnicity, national origin,
 - 18 gender identity or expression, or sexual
 - 19 orientation of any person. For purposes of this
 - 20 subsection, "gender identity or expression"
 - 21 includes a person's actual or perceived gender,



1 as well as a person's gender identity, gender-
2 related self-image, gender-related appearance, or
3 gender-related expression, regardless of whether
4 that gender identity, gender-related self-image,
5 gender-related appearance, or gender-related
6 expression is different from that traditionally
7 associated with the person's sex at birth[-]; or

8 (7) The defendant is convicted under section 707-702.5 and
9 the defendant did not remain at the scene of the crime
10 and render reasonable assistance to an injured person,
11 including acts and omissions in violation of section
12 291C-12."

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2035.
19



Report Title:

Negligent Homicide; Extended Term of Imprisonment

Description:

Adds certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment. Effective 7/1/2035. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HB-2588

Submitted on: 2/20/2018 3:00:15 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
pua auwae	Individual	Support	Yes

Comments:

We fully support this Bill! To many innocent lives taken by the heads of others!

I support this Bill fully

HB-2588

Submitted on: 2/20/2018 3:29:17 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jordan Kanekoa	Individual	Support	No

Comments:

Lock her up!! #Justice4Lana #KW4L #DKMovement

HB-2588

Submitted on: 2/20/2018 5:52:51 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
paula werner	Individual	Support	No

Comments:

Aloha, Good morning, thank you for allowing me this time to come here to give my testimony. My name is Paula Werner and I speak in behalf of my late Son Kaulana Werner. On the night of April 24, 2016 my sons young life was taken by a drunk driver. Its now been almost 2 years since that horrible nightmare occurred. Through the pain and suffering, sleepless nights, unberable heartache and non-stop tears. one thing remains that the love and compassion we have for my some is endless. Although the days, months go by we all still suffer the pain as if it was that horrible sunday night at 8:36pm of April 24,2016.. Every day we open our front door and there is a reminder of that horrible night for as my sons memorable site stares us in the face. One important thing and what should be or priority is fighting to prevent this from happening to anyone else in the future. We owe it to over loved ones, or more so I owe it to my son who had his whole life ahead of him. He had dreams that will never be forfilled.he always told me mom I got you, no worry Im gonna finnish school, save money I & take care of you and dad. I promise one day I pay off our house and let you and daddy travel around the world. He had so much dreams that with a blink of an eye it was shattered into trillions of pieces . My heart fills with anger, but yet I continue to ask Gods help for his love, his peace upon me and my ohana to hold my hand for if I hold onto his hand I might let go and fall. I wouldnt wish this upon anyone because its a horrible horrible nightmare that I wish I could wake up and it was all just a bad dream, but of course its all Real. So I vontinue to push forward knowing I can work hard and tell my heartbreaking story, so others can hear a true mothers cry. This all could be prevented if she didnt get behind the wheel intoxicated and drove, hit him and left him there all alone in the dark, cold nigh. Or maybe he could've still be here if she stopped to render aide. No one knows what the out come could've been. I cant erase the reality of this terrible disease called Drinking and Driving but I can fight and be a voice for my dear son Kaulana Werner. I support this BILL HB2588 for not only my beloved angel son kaulana but for others in the future.

HB-2588

Submitted on: 2/20/2018 7:35:48 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawailehua Chai	Individual	Support	No

Comments:

Ron Shimabuku
1864 Hookupa Street
Pearl City, Hi 96782
ronkshimabuku@gmail.com
#808-295-4954

Testimony to the House Committee on Judiciary
Thursday, February 22, 2018, 2:00p.m.
State Capitol Conference Room 325

Re: Supporting House Bill No. 2588, Relating to Extended Terms of Imprisonment

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

My name is Ron Shimabuku and I am the brother and godparent to the late Kaulana Matthew Auwae Werner who as you are aware was the victim of a drunk driving, hit-and-run crash which occurred on the evening of April 24, 2016 in Nanakuli, Hawaii. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, I will **support this bill** to allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide.

Kaulana was a great man and friend to many. He stayed true to his name the "Famous One." Even if he hadn't cross paths with you, he made an impact in your life just at the sheer aloha that he shared with so many and how contagious that characteristic was when people he connected with would grasp onto it and model it into their lives. A fine young man that was destined for so many wonderful things. Although his life was cut short by a reckless act, Kaulana still lives and guides us to continue with his legacy, that is to kokua (help) others, most especially those who loss their lives to acts of grave negligence.

House Bill No. 2588 was conceived out of a strong belief that the punishment for negligent homicide and failing to render aide is just and righteous in the people of Hawai'i's eyes. After thorough research and discussions with many concerned citizens and organizations throughout our state, there was one message that was constant. It was not a concept or belief that was developed out of thin air, it was a message that originated from the people; i.e. your constituents. Some 12,000+ signatures obtained from supporters, not only in the state of Hawai'i, but also of those in our valiant country and many from abroad. The message is this, the current penalty for individuals convicted of negligent homicide, does not fit the crime.

An individual that knowingly consumes alcohol, knowingly operates a vehicle, travels in excess of the posted speed limit, strikes a pedestrian, knowingly acknowledges hitting a pedestrian, immediately leaves the scene of the crime and fails to render any type reasonable care to the pedestrian, deserves a criminal sentencing that is well beyond what is being issued currently. We've heard the frustrations, agony and nightmares of those victims who've come before us. Then, hearing of convicts' sentencing that carries 2-3 years of imprisonment. This is extremely heartbreaking and unsettling. It is time for a change!

A grassroots/community-based coalition was started and formed by the ohana of the Kaulana Werner to combat this 100% preventable drunk driving disease. We have gained many supporters throughout our state including, but not limited to, Mothers Against Drunk Driving (MADD), State of Hawai'i – Department of Transportation (DOT), Kamehameha Schools, Pacific Resource Partnership, Soquena Consultants, Office of Hawaiian Affairs (OHA), Hawaii Government Employees Association (HGEA), Hawaii Regional Council of Carpenters, Hawaii Teamsters and Allied Workers Local 996, International Brotherhood of Electrical Workers (IBEW), International Longshore and Warehouse Union Local 142 (ILWU), Iron Workers' Stabilization Fund, Laborers' Union Local 368, and United Public Workers (UPW). All have confirmed support and will be submitting testimony in support of House Bill No. 2588. This is just a mere example of the voices from the community asking our lawmakers to contribute to the safety and well-being of the highways/byways in which we travel as it pertains to drunk driving and the proper establishment of laws for inhumane individuals who commit negligent homicide and failure to render aid.

With this, I would like to say that is with the utmost respect and honor, that I am able to present my plea to this Committee. **I ask that you amend this House Bill No. 2588 by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** Further, we would gladly welcome your leadership to ensure that this Bill becomes a law in this the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018.

In closing, on behalf of my ohana and the many supporters we have in the state of Hawai'i, thank you for what you do and look forward to seeing you stand with us as we continue in our journey to combat this 100% preventable drunk driving disease!

Mahalo for your consideration of my testimony!

HB-2588

Submitted on: 2/20/2018 9:35:17 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsey Sylva	Individual	Support	No

Comments:

I would love to see this bill pass. Our state needs tougher laws and harsher punishment for people who drink and drive. Justice needs to be served for Kaulana and his family.

HB-2588

Submitted on: 2/20/2018 10:31:06 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawaihaunani	Individual	Support	No

Comments:

Aloha, I am a Neonatal surgeon here in the State of Hawaii and would like to support Bill HB2588 in efforts to strengthen laws and bring justice to the local victims and the families affected by negligent drivers. I find it grossly upsetting that there is clearly a unsatisfactory punishment for these crimes that were committed through an act of recklessness. We need laws to reflect an appropriate increase in consequences for these offenders. The current laws are not just. Passing Bill HB2588 is PONO I'm pleading for the victims and their families who must carry on without their loved ones here today to do what is just.

Mahalo nui, kawaihaunani

HB-2588

Submitted on: 2/21/2018 6:41:38 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
stephanie Medeiros	Individual	Support	No

Comments:

I feel the judiciary system should put there Foot down on people who drink and drive and especially those who dont stop to render aid two more young lives were taken because of some foolish person behind the wheel who did not stop to help let's get justice for what is right.

HB-2588

Submitted on: 2/21/2018 8:19:29 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnny	Individual	Support	No

Comments:

Aloha my name is Johnny Werner and Kaulana was my Uncle. I am 13 years old and i fully support this bill HB2588. Punishments needs to be more stricker if innocent lives are taken by other peoples stupidity. I am a child and i knows whats right from wrong. And Killing someone and still being out free shouldnt be a question people need to charge and be punished for there wrong doings. My Uncle will never see me graduate take me to prom because his life was stolen from me due to a drunk driver. One night of drinking and having fun turned into a nightmare for my family. So as i write this on my recess break in school i asked to please support and PASS this HB2588..

Thank You

Johnny Boy Werner

HB-2588

Submitted on: 2/21/2018 8:44:43 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Isturm	Individual	Support	No

Comments:

Aloha, my name is Laura Sturm and I am a godparent of the late Kaulana Werner, who was a victim of a drunk driving, hit-and-run crash on April 24, 2016. I am providing this written testimony in **absolute support of House Bill No. 2588**. As I understand it, this bill would give courts the authority to extend the prison term for any felony that results in the death or serious injury of another, while acting with reckless disregard for others' safety. This would include those convicted of first degree negligent homicide when taking a life while driving drunk and failing to render aid.

It outrages me that someone would drink irresponsibly, get behind the wheel of a car, drive wrecklessly, hit someone, flee the scene, and leave a victim like our beloved Kaulana to die. These individuals **lack the basic human decency** to stop and render aid, and must be held fully accountable for the death of an innocent person. In Kaulana's case, the drunk driver handed Kaulana his death sentence due to her **irresponsible, wreckless, selfish and inhumane actions**. Had she done what the law required, to stop and render aid, the outcome could have been so much different. She also handed our family a life sentence. A life without a son, brother, uncle, nephew, godson, cousin, friend. We will never see him grow up, live his life, and become the amazing husband and father that we all know he would be. She stole our hopes & dreams, shattered our lives, and left us with broken hearts.

And so here we are nearly two years later, still awaiting trial, and asking ourselves, "What will her punishment be? A one to two year prison sentence? Is that the value?" In recent years, this has been the sad, heart wrenching reality. It is NOT FITTING, it is NOT FAIR, and it is NOT JUST in the eyes of victims, their families, and the community. It sends a message that it's perfectly OK to drink, drive and take innocent lives.

While harsher terms of imprisonment will never bring our loved ones back, it will provide some sense of justice for victims and their families. It also sends a clear message that those who choose to drink, drive and take innocent lives will be severely punished. This bill has the potential to change the attitudes and actions of those who drink and drive, save lives, and prevent our tragedy from becoming another family's reality. For these reasons, I ask that you support the passage of House Bill No. 2588.

Mahalo for this opportunity to provide testimony.

Very Respectfully,

Laura Sturm

HB-2588

Submitted on: 2/21/2018 9:22:27 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kuuipo	Individual	Support	No

Comments:

I Fully Support Bill HB2588.

HB-2588

Submitted on: 2/21/2018 9:26:59 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Austin	Individual	Support	No

Comments:

I Fully Support Bill HB2588.

HB-2588

Submitted on: 2/21/2018 9:37:46 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal	Individual	Support	No

Comments:

Fully support.

HB-2588

Submitted on: 2/21/2018 9:50:26 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tifanie Tapeni	Individual	Support	No

Comments:

Aloha!

I support this 100% we need justice for innocent people who's lives are taken due to selfish reasons while driving. What happen to Kaulana was tragic along with the many victims who lost there life. But they are not here to defend nor life there life and there family's will have to live with heartache and emptiness. This may not bring Kaulana back or any of the other victims. But it will bring Justice and peace to the victims and there families along with the community which Was impacted as well in the tragedy that happen with Kaulana and many more.

Mahalo!!!

HB-2588

Submitted on: 2/21/2018 9:51:24 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ameleah	Individual	Support	No

Comments:

Drinking and driving is not the business at all..Alot of young people that are innocent are getting hurt and dying cause of a stupidity of a individual who decide to drink and drive..Please we need this as a law and need to enforce this that if you drink don't drive..It must sound simple and we can say it everyday but people don't listen..

HB-2588

Submitted on: 2/21/2018 9:57:28 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kuuiipo Seipel	Individual	Support	No

Comments:

Please help my family in anyway. Justices for kaulana Werner

HB-2588

Submitted on: 2/21/2018 10:38:52 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lee	Individual	Support	No

Comments:

I fully support this bill. Families are torn apart when a loved one is taken from them unexpectedly due to someones negligence, wrong choices and stupidity. Placing tougher laws into play like HB2588, can minimize having people like this out on our streets. Please pass this bill..

HB-2588

Submitted on: 2/21/2018 10:56:42 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalani Kelii	Individual	Support	No

Comments:

Im in full support of this bill HB2588 PLEASE PASS!!

HB-2588

Submitted on: 2/21/2018 11:03:06 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Shimabuku	Individual	Support	No

Comments:

Testimony on House Bill No. 2588

RELATING TO EXTENDED TERMS OF IMPRISONMENT

Thursday, February 22, 2018

2:00pm

Conference Room 325

State Capitol

415 South Beretania Street

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Paul Shimabuku. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1

1. I think there is not enough emphasis put on Leaving the Scene of an Accident/Failure to Render Aid in an accident as it is. The reason I say this, it seems this charge gets thrown under the Bus by Prosecutors if there is some type of DWUI charges being made and with that said the defendant if judged to be found guilty by the Court of Law or pleads guilty to manslaughter(or whatever the charge may be) he/she will use the defense of being under the influence DWUI, basically stating he/she did not know what they did or didn't do as to the accident he/she may have caused. Basically implying he/she left the scene and

not rendering aid because of being mentally impaired by the Drug used prior to the accident.

2. Here's the problem as I see it as today, for whatever reason(s) a DWUI driver knowingly or not leaving the scene, not rendering aid in an accident and being free for a day(s) to clean up his/her drug of choice there will be NO DWUI offense. Only assumptions can be made, if that at all with no fact for the jurors, on the amount of drugs were in his/her system at the time of the accident.

With that said, there's a reason WHY they flee the scene, although under the influence, they DO know they are DWUI but even if they were not under the influence or had the time to clean the drug out of their system, they'll still not be charged with DWUI.

As we see, Why would anyone STAY Put in an accident at all if your all in mind or under the influence when someone is hurt or dies? The person knows that Leaving the scene of an accident/Failure to render aid is practically a nothinburger but a charge over ridden by a more serious charge he/she may be found guilty off. So basically saying this offense means nothin to someone who wants to escape the crime of the accident under DWUI or not.

We hear the families of recent victims in despair wondering Why didn't the perpetrator STOP to render aid and leave the scene of the accident? It's only Right to have the person serve a term for Leaving the Scene of an Accident/Failure to Render Aid Charge to give some solace to the victims and family.

Are we Humans that cares for others or are we just thinking about oneself in a bad predicament? The thought of Humanity, helping a fellow human being, is Lost in these perpetrators minds!

This charge of Leaving the Scene/not rendering aid has a meaning to it ON it's Own merit as to why we have it! We humans are expected to help someone in need, why do we let these I NO Kea perpetrators get away with it without more years added on to their incarceration time?

Thank you for giving me a chance to express my view and taking my response into consideration of passing Bill #HB2588,

Paul K. Shimabuku (individual)

paperwell@hotmail.com

(808)386-1106

HB-2588

Submitted on: 2/21/2018 11:17:42 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnelle Werner-Celes	Individual	Support	Yes

Comments:

Testimony on House Bill No. 2588

RELATING TO EXTENDED TERMS OF IMPRISONMENT

Thursday, February 22, 2018

2:00pm

Conference Room 325

State Capitol

415 South Beretania Street

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Ronnelle Werner-Celes and I am the Older sister of late Kaulana Werner. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, this will allow the courts the discretion to extend criminal sentencing for

individuals convicted of negligent homicide and failure to render aid be passed into law. This individual robbed my parents of their son, robbed my sister and myself of our brother, robbed my son daughter and nephew of an uncle. She forever changed our lives for the worst on the night of April 24, 2018. We don't know what normal is anymore. Our life consists of waking up in tears to falling asleep in tears. Holidays and Birthdays and family outings is so different. Not having my brother around just doesn't give us any reason to celebrate. It's an indescribable feeling. With all the accidents happening not just on the leeward coast, but state wide is just ridiculous. Things need to change. People need to pay the consequences for their actions because the after effect is the most painful feeling anyone has to endure. Yet it's 100% preventable. My brother didn't have to die at the hands of someone else. We share the same birthday. She forever ruined what was supposed to be a bond that no one could break, yet she broke it. Yet she's free. How is that fair? She steals his life, his future and she gets to live her life? That's not justice. My family and I kindly ask for the sake of our beloved Kaulana Matthew Auwae Werner to please support us in passing this bill to prevent the many lives that will be lost in our future.

As a concerned resident of Hawaii, I **strongly support this bill**. This bill adds to the deterrence for individuals who willfully choose to drink, drive and take innocent lives by way of reckless behavior. Further, the current criminal punishment for individuals convicted of this crime is not fitting and not just in the eyes of our community.

Drunk driving is preventable and without stringent laws in place to combat this disease it will continue and we will lose loved ones. These bills send a strong message out to those who consider drinking and driving. The detrimental impacts are tremendous as stated in the preamble of this bill.

I kindly ask you to consider the following when contemplating to support this bill:

- According to the Centers for Disease Control and Prevention (CDC), approximately 28 people in the United States die in drunk driving crashes. This equates to one fatality every 51 minutes. Further, the cost of drunk driving related crashes totals to more than \$44 billion per year.
- Department of Transportation (US), National Highway Traffic Safety Administration (NHTSA) reports that 10,265 lives were lost due to drunk driving crashes in 2015 which accounts to nearly one-third (29%) of all traffic-related fatalities in the United States. That is 10,000+ lives that could have been prevented in one year alone.
- According to Mothers Against Drunk Driving (MADD) statistics, 34 lives were attributed to drunk driving crashes which accounts to one-quarter (28%) of all traffic-related fatalities in Hawaii.
- Our loved ones could be here today and gone tomorrow. By not taking action NOW, their lives are always at jeopardy when traveling on our highways and byways. Place yourselves in the shoes of the victims. Think about the lives you

will save by making a choice to support a law that would be a deterrence and bring justice to those who have been convicted of these heinous crimes.

For these reasons, I ask that **you amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** It is a mere benefit to the health and well-being of our communities and without your commitment to make this change, lives will continue to be at stake.

Thank you for the opportunity to testify!

Ronnelle Werner-Celes

808-218-3685



LiUNA!

**TESTIMONY OF RYAN K. KOBAYASHI
GOVERNMENT AND COMMUNITY RELATIONS DIRECTOR
HAWAII LABORERS UNION LOCAL 368**

PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

ALFONSO OLIVER
President

JOBY NORTH II
Vice President

TONI FIGUEROA
Recording Secretary

JAMES DRUMGOLD JR.
Executive Board

ORLANDO PAESTE
Executive Board

JOSEPH YAW
Executive Board

MARTIN ARANAYDO
Auditor

RUSSELL NAPIHA'A
Auditor

MARK TRAVALINO
Auditor

ALFRED HUFANA JR.
Sergeant-At-Arms

COMMITTEE ON JUDICIARY

NOTICE OF HEARING

DATE: Thursday, February 22, 2018

TIME: 2:00 p.m.

PLACE: Room 325

TESTIMONY IN SUPPORT OF HB 2588 RELATING TO EXTENDED TERMS OF IMPRISONMENT

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Ryan Kobayashi and I am the Government Affairs Director for the Hawaii Laborers' Union, Local 368. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failure to render aid as stated in Senate Bill No. 2582, Senate Draft 1. The amended language will allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aid be passed into law.

The Hawaii Laborers' Union **supports the amendment to HB 2588**. We feel this bill will help to further deter individuals who willfully choose to drink, drive and take innocently lives by way of reckless behavior.

Drunk driving is 100% preventable and without stringent laws in place to combat this social ill this behavior is likely to continue, and we continue to will lose our friends and loved ones. Once amended, this bill will send a strong message of deterrence to those who consider drinking and driving.

For these reasons, we ask that **you amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** Passage of this bill will serve to benefit to the health and well-being of our communities and without your commitment to make this change, lives will continue to be at stake.

LiUNA Local 368
1617 Palama Street
Honolulu, HI 96817
Phone: (808) 841-5877
Fax: (808) 847-7829
www.local368.org

Feel the Power

HB-2588

Submitted on: 2/21/2018 11:45:31 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jamie deguzman	Individual	Support	No

Comments:

Justice for lanaâ•• ðŸ•

HB-2588

Submitted on: 2/21/2018 11:45:43 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Dilay	Individual	Support	No

Comments:

I fully support HB2588

HB-2588

Submitted on: 2/21/2018 11:57:25 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie Tata	Individual	Support	No

Comments:

HB-2588

Submitted on: 2/21/2018 12:29:46 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Paulette	Individual	Support	No

Comments:

As a mother whose only son was killed, at age 15, in a crash involving a 6x DUI arrestee, I fully support giving the Court the option to extend prison sentences when there are circumstances which make the crime especially egregious.

I prefer the language as written in SB2582.

Thank you for the opportunity to submit testimony.

HB-2588

Submitted on: 2/21/2018 1:21:57 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
leila kila	Individual	Support	No

Comments:

Hit &run driving as been a slap on the wrist punishment for way too long. People are dying more & more from this hit & run diseases. There was just two more hit and run incidences this past week in Makaha. Kaulana Werner was 19 years old! If he was alive he would be 21, but he's not alive. His murderer is out running free with her family, spending the holidays, spending birthdays, something that we will never get to do with Kaulana ever again. We miss him, everyday i pass his memorial site while going to work. I pass it everyday going home. It's crazy to think that i will never see him again. It took me so long to think about what to say in this testimony, i still don't even know what exactly to say. I miss him. I wants justice for him & future victims.

HB-2588

Submitted on: 2/21/2018 1:27:33 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allen Sturm	Individual	Support	No

Comments:

I, Allen Sturm fully support this bill. I firmly believe the individuals that make the conscious choice of putting innocent lives at risk should be held responsible for their actions. I see incidents happen almost daily and families of the innocent suffer more than those of the guilty. By creating a stiffer penalty for this CRIME is only the beginning of the process to possibly stop the next family losing a loved one. This is the first step. More education is needed as well.

On behalf of my nephew Kaulana Werner and my Ohana-along with everyone else that has fallen victim to this preventable crime-I wish to see this bill (HB2588) passed in order to save more innocent lives being lost.

Aloha Nui

Allen Sturm

HB-2588

Submitted on: 2/21/2018 1:27:48 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shauna Kamaka	Individual	Support	No

Comments:

My name is Shauna Kamaka and I fully support this bill. My nephew Kaulana Werner was killed nearly 2 years ago by a drunk driver who failed to render aid. She has yet to face any consequences for her actions. We cannot be there to ask every person who drinks to not get behind the wheel. BUT this piece of legislation can let people know that there will be harsh penalties and real consequences if you kill someone while driving drunk. Maybe if they know they will not just get a slap on the wrist but real jail time then they will think twice before getting behind the wheel after a few drinks. We cannot get Kaulana back but we can make sure we do everything we can to make sure other families do not suffer the same tragedy. We humbly ask you to pass this bill. Mahalo.

HB-2588

Submitted on: 2/21/2018 1:34:07 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Miller	Individual	Support	No

Comments:

If it prevents just one person from driving under the influence and killing another innocent person, "Kaulana's Bill" will be invaluable. And we all know it will save more than one life.

This bill, allowing for extended sentences in the worst situations, can serve as a major deterrent — a level that has been so difficult to attain.

Please help us convince people that driving under the influence is not acceptable. It is always dangerous and out of control, and often lethal. People die every day because of it and most are innocent victims, gone too soon and leaving unimaginable heartbreak and grief for family and friends.

Let people know there are now serious penalties aimed at preventing this, before we lose someone we love too soon ... again.

HB-2588

Submitted on: 2/21/2018 1:52:38 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
AJT	Kaulana Warner And his family	Support	No

Comments:

I hear by approve of this bill to pass,i lost two loved ones to drunk driving,we need to keep our streets safe from this people and especially the ones that only get a slap on the risk and is free within days,we need to come to justice and the ones who doing the crime should send time in jail losing a loved one is very hard on all from specially when it's a parents child,I'm hoping this bill pass and we get justice served..mahalo and god bless

HB-2588

Submitted on: 2/21/2018 2:33:36 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gayle wong	Individual	Support	No

Comments:

HB-2588

Submitted on: 2/21/2018 3:03:14 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cherish Alvarado-Williams	Individual	Support	No

Comments:

I support the Kaulana bill 100% ..

HB-2588

Submitted on: 2/21/2018 3:28:17 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rolando Celes	Individual	Support	No

Comments:

Testimony on House Bill No. 2588

RELATING TO EXTENDED TERMS OF IMPRISONMENT

Thursday, February 22, 2018

2:00pm

Conference Room 325

State Capitol

415 South Beretania Street

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Rolando Celes and I am the Brother in Law of the beloved Kaulana Werner. Words can't even begin to describe the nightmare my family and I have to endure because of the selfish act of another human being. How many other families need suffer because of someone elses stupidity? Our life was drastically changed in the blink of an

eye. The only brother in law I ever had was gone. Nobody see's what goes on behind the scenes in our households. It's horrible, it's a nightmare. All we have left are pictures and memories everywhere. It's very upsetting that we have to pay the consequences from someone else's actions. My daughter was 6 at the time shes now 8, she's not going to remeber her uncle as the years go by and she get's older. She robbed him of his future. We will never see him graudate from college, get married or even start a family of his own. What about what his parents who have to live with this on a daily basis?. No one can imagine the pain in their hearts. We try our best to live normally. But what is normal? Its been almost 2 years and we forgot what a normal life feels like. My wife and Kaulana shares the same Birthday. How do I deal with that? let alone I dont know how she does it. Holidays and celebrations are ruined nobody feels like celebrating anything. Things need to be changed we are losing to many lives to something that we can all prevent. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, this will allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide be passed into law.

As a concerned resident of Hawaii, I **strongly support this bill**. This bill adds to the deterrence for individuals who willfully choose to drink, drive and take innocently lives by way of reckless behavior. Further, the current criminal punishment for individuals convicted of this crime is not fitting and not just in the eyes of our community.

Drunk driving is preventable and without stringent laws in place to combat this disease it will continue and we will lose loved ones. These bills send a strong message out to those who consider drinking and driving. The detrimental impacts are tremendous as stated in the preamble of this bill.

I kindly ask you to consider the following when contemplating to support this bill:

- According to the Centers for Disease Control and Prevention (CDC), approximately 28 people in the United States die in drunk driving crashes. This equates to one fatality every 51 minutes. Further, the cost of drunk driving related crashes totals to more than \$44 billion per year.
- Department of Transportation (US), National Highway Traffic Safety Administration (NHTSA) reports that 10,265 lives were loss due to drunk driving crashes in 2015 which accounts to nearly one-third (29%) of all traffic-related fatalities in the United States. That is 10,000+ lives that could have been prevented in one year alone.
- According to Mothers Against Drunk Driving (MADD) statistics, 34 lives loss were attributed to drunk driving crashes which accounts to one-quarter (28%) of all traffic-related fatalities in Hawaii.
- Our loved ones could be here today and gone tomorrow. By not taking action NOW, their lives are always at jeopardy when traveling on our highways and

byways. Place yourselves in the shoes of the victims. Think about the lives you will save by making a choice to support a law that would be a deterrence and bring justice to those who have been convicted of these heinous crimes.

For these reasons, I ask that **you amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** It is a mere benefit to the health and well-being of our communities and without your commitment to make this change, lives will continue to be at stake.

Thank you for the opportunity to testify!

Rolando Celes

HB-2588

Submitted on: 2/21/2018 3:39:17 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keana Chan wa	Individual	Support	No

Comments:

We support one hundred percent! Kaulana deserves justice and so do those families that are affected by the same reason; of drinking and driving!

HB-2588

Submitted on: 2/21/2018 3:50:15 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
heather thomas	Individual	Support	No

Comments:

Still doesnt make sense to me how we have people in jail that got arrested for built up parking / driving tickets (no harm to human kind) but we have someone out there free living her life while our good friend is in heaven. She killed somebody !! He is dead ! We can't get him back ! Why is she still free ? She drove off ? All these questions still being asked but not once answered. Court appearances being pushed back for what ? Always postponing her wrong doing ! Lock her up what's so hard ? Why are you holding back. It's not fair she can hold her children at the end of the day. Kaulana's family will Only memories the closest thing to holding him. We can't even call him to hangout and just go to the beach and clear our minds. He ain't a text away anymore. It's gna be almost two years since he has left so much people behind & she still hasn't been charged

love you lots my dear friend

LATE

HB-2588

Submitted on: 2/21/2018 4:18:55 PM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darrelin Cruz	Individual	Support	No

Comments:

LATE

HB-2588

Submitted on: 2/21/2018 4:26:51 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehau Kaalouahi	Individual	Support	No

Comments:

My name is Kehau Kaalouahi of Nanakuli, godmother of the late Kaulana Matthew Auwae Werner. I write this testimony in **full support of House Bill No. 2588** which allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide be passed into law.

On the night of April 24, 2016 our lives were shattered when an individual made the personal decision to drink, get behind the wheel of a car, bang our beloved Kaulana, then continue to flee the scene. No help was rendered and in the almost 2 years since this tragic event, no remorse has been shown by the alleged criminal in her many court appearances. I put my faith in the justice system thinking she will pay the time for her crime but our family has yet to see justice.

After much research, these criminals have been getting a slap on the wrist for these tragic, life changing deaths which occurred from a drunk driver. This drunk driving epidemic needs to stop! It is taking the lives of innocent people and leaving families in turmoil over the loss of their loved ones. Harsher punishments need to be given to help deter others from continuing to make these life threatening decisions over and over. We need to fight for the victims who are not alive to fight for themselves. Kaulana's Bill will not bring our loved ones back, but will help the families of these victims see justice. Justice where the punishment fits the crime. 2 years behind bars when we have a lifetime without our loved ones is a slap in the face. **Please pass House Bill No. 2588** so that we can be the voice of change for the victims, their families and to help deter individuals from making the same mistake. Kaulana make be gone from earth, but his heart and soul lives on in his family, his community and all the people who support this Bill. Please do not wait until our tragedy becomes your reality. Make the decision now to see change.

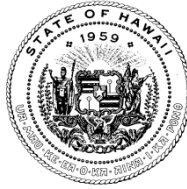
Thank you for the opportunity to testify!

Kehau Kaalouahi

89-229 Haleakala Avenue

Wai'anae, HI 96792

hau.lennie@gmail.com



LATE

Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
February 22, 2018
2:00 p.m.
State Capitol, Room 325

H.B. 2588
RELATING TO EXTENDED TERMS OF IMPRISONMENT

House Committee on Judiciary

The Department of Transportation (DOT) **supports with amendment** H.B. 2588 relating to extended terms of imprisonment. This bill seeks to amend Section 706-662 of the Hawaii Revised Statutes (HRS) by establishing a standard for the imposition of extended term of imprisonment for a defendant convicted of a felony that resulted in the death, disability, or serious disfigurement of another person, which includes the defendant's "wilful and wanton disregard of the need to exercise reasonable care, which was likely to cause foreseeable grave injury or harm to one or more persons, property, or both."

Despite attempts to reduce traffic fatalities, they continue to occur at a high rate. More alarming is the number of crashes that involve alcohol-impaired drivers that fail to render aid after crashes. Hawaii continues to be above average in percentage for the number of alcohol-impaired driving fatalities compared to the national average. Passage of this bill will deter those who continue to drink and drive, and encourage them to think twice before getting behind the wheel and place other road users at risk of death or injury.

In addition, recently, there has also been an increase of traffic fatalities in which the driver failed to render aid after the crash. The most recent fatal crash occurred on February 19, 2018 in Makaha where two pedestrians were killed while repairing a vehicle and the responsible driver fled the scene. Police are continuing their investigation.

The DOT is concerned with bill's use of the phrase "wilful and wanton" to describe the defendant's required state of mind. This phrase is broad and DOT believes that the terminology used by the bill may be more clearly defined to provide the courts clear direction as to when to impose an extended term of sentencing. We understand that the phrase "wilful and wanton" is used in other sections of the HRS, but we do not believe that this phrase is used in the Hawaii Penal Code, which includes HRS §706-662. We suggest that the extended phrase "wilful and wanton disregard of the need to exercise reasonable care, which was likely to cause" be replaced with a phrase

referencing a “state of mind” already defined by the Hawaii Penal Code in HRS §706-206, such as “intentionally’ causes”, “knowingly’ causes”, “recklessly’ causes”, or “negligently’ causes”, depending upon what state of mind the Legislature intends to be part of the standard for imposing enhanced sentencing.

The DOT urges your support in passing H.B. 2588 as it will make these violators more aware of, and accountable for, the consequences of their actions.

Thank you for the opportunity to provide testimony.

LATE

HB-2588

Submitted on: 2/21/2018 6:30:28 PM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joli Tokusato	Unite Here Local 5	Comments	No

Comments:

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Joli Tokusato, Organizer for UNITE HERE Local 5. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, this will allow the courts the discretion to extend criminal sentencing for individuals convicted of negliget homicide and failure to render aide be passed into law.



LATE

KAMEHAMEHA SCHOOLS

House Committee on
JUDICIARY

Time: 2:00 p.m.
Date: February 22, 2018
Where: Room 325

TESTIMONY

By Kau'i Burgess
Kamehameha Schools

To: Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee

RE: **HB 2588** RELATING TO EXTENDED TERMS OF IMPRISONMENT

E ka Luna Ho'omalua Nishimoto, ka Hope Luna Ho'omalua San Buenaventura a me nā Lālā o ke Kōmike, aloha. My name is Kau'i Burgess, and I serve as the Director of Community Relations at Kamehameha Schools.

Kamehameha Schools supports the intent of **House Bill 2588**, relating to extended terms of imprisonment.

On April 24, 2016, the death of Kaulana Werner was preventable. He was a graduate of Kamehameha Schools, a team leader on the field, a supportive and loving son at home and a Native Hawaiian with goals and dreams that were cut short by careless disregard for Hawai'i's laws.

We believe that drunk driving, negligent homicide and failure to render aid are topics that must be discussed and dealt with throughout each area in our community, including legislation, and we trust that legislators will make pono decisions to ensure appropriate and fitting consequences for individual offenders as it relates to terms of imprisonment.

Founded in 1887, Kamehameha Schools is a statewide educational system supported by a trust endowed by Princess Bernice Pauahi Bishop, whose mission is to improve the capability and well-being of Native Hawaiians through education. Our strategic plan for 2020 seeks ways to improve the systems that impact the lives of all Hawai'i's people through collective efforts.

LATE

HB-2588

Submitted on: 2/22/2018 7:24:40 AM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold	Ironworkers Stabilization	Support	No

Comments:

We support the intent to ensure justice is served.

LATE

HB-2588

Submitted on: 2/21/2018 4:49:00 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Harley Kiko-Wolfe	Individual	Support	No

Comments:

LATE

HB-2588

Submitted on: 2/21/2018 4:51:11 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Ryder	Individual	Support	No

Comments:

Testimony on House Bill No. 2588

RELATING TO EXTENDED TERMS OF IMPRISONMENT

Thursday, February 22, 2018

2:00pm

Conference Room 325

State Capitol

415 South Beretania Street

Chair Scott Nishimoto, Vice Chair Joy San Buenaventura, and Members of the Committee:

My name is Crystal Ryder. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, this will allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to

render aide be passed into law.

As a concerned resident of Hawaii, I **strongly support this bill**. This bill adds to the deterrence for individuals who willfully choose to drink, drive and take innocently lives by way of reckless behavior. Further, the current criminal punishment for individuals convicted of this crime is not fitting and not just in the eyes of our community.

Drunk driving is preventable and without stringent laws in place to combat this disease it will continue and we will lose loved ones. These bills send a strong message out to those who consider drinking and driving. The detrimental impacts are tremendous as stated in the preamble of this bill.

I kindly ask you to consider the following when contemplating to support this bill:

- According to the Centers for Disease Control and Prevention (CDC), approximately 28 people in the United States die in drunk driving crashes. This equates to one fatality every 51 minutes. Further, the cost of drunk driving related crashes totals to more than \$44 billion per year.
- Department of Transportation (US), National Highway Traffic Safety Administration (NHTSA) reports that 10,265 lives were loss due to drunk driving crashes in 2015 which accounts to nearly one-third (29%) of all traffic-related fatalities in the United States. That is 10,000+ lives that could have been prevented in one year alone.
- According to Mothers Against Drunk Driving (MADD) statistics, 34 lives loss were attributed to drunk driving crashes which accounts to one-quarter (28%) of all traffic-related fatalities in Hawaii.
- Our loved ones could be here today and gone tomorrow. By not taking action NOW, their lives are always at jeopardy when traveling on our highways and byways. Place yourselves in the shoes of the victims. Think about the lives you will save by making a choice to support a law that would be a deterrence and bring justice to those who have been convicted of these heinous crimes.

For these reasons, I ask that **you amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** It is a mere benefit to the health and well-being of our communities and without your commitment to make this change, lives will continue to be at stake.

Thank you for the opportunity to testify!

Crystal Ryder

LATE

HB NO. 2588

February 20, 2018

Aloha, my name is Lani Shimabuku and I am the aunty of Kaulana Werner. Kaulana was such a great young man. His love for God and his family. A wonderful young man with a gracious heart and a love for life.

My sister, my brother-in-law, kids, and grand-kids, their lives have been turned upside down. Everyday in constant anguish and pain, waiting for justice.

DUI kills innocent people and my nephew Kaulana was taken to soon.

I am highly in support of this bill and humbly request your consideration, and to amend this bill with provisions of Senate Bill #2582. Effective upon approval.

Mahalo nui,

Lani Shimabuku
808 386-1106

LATE

HB-2588

Submitted on: 2/21/2018 8:38:59 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Taliilagi Suaava	Individual	Support	No

Comments:

We Love You Kaulana And You Deserve This Bill.We Love You And Hope This Bill Goes Far and Brings Many Awareness to Others About One Simple Wrong Decision can Lead You to someone's wrost nightmare of Losing A Love One .

Mason Lani & Kids !!

We Love You All The Werner Family!!Drink smart and Don't Drink and Drive ,it's as Simple As This Nightmare has Proven To All Of Us On How This Effects EVERYONE,Especially the FAMILY.

LATE

HB-2588

Submitted on: 2/21/2018 8:48:44 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Tadaki	Individual	Support	No

Comments:

The current state of the consequences assessed to an individual(s) for knowingly operating a vehicle impaired and seriously injuring or killing another individual(s) needs to be re-evaluated. Killing another individual(s) is an act of murder despite the method used, and the individual(s) responsible should be accountable for their actions. There should be no difference in consequences between knowingly shooting and killing another individual(s); and knowingly driving impaired and killing another individual(s). Both examples involved a choice and both examples resulted in death of another. There should be no leniency or lesser punishment assessed for differing forms of murder.

I humbly submit my testimony in support of bill HB2588 and ask you to consider re-evaluating the consequences currently being assessed to individual(s) responsible for taking another life. Consequences for murder should be the same regardless of the method used.

LATE

HB-2588

Submitted on: 2/21/2018 9:16:26 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Rudolf	Individual	Support	No

Comments:

My name is Christine Rudolf and I am a physician assistant working with Kaiser Permanente Medical Group. I am requesting that House Bill No. 2588 be amended to specifically address negligent homicide and failing to render aide as stated in Senate Bill No. 2582, Senate Draft 1. When amended, this will allow the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide be passed into law.

As a concerned resident of Hawaii, I **strongly support this bill**. This bill adds to the deterrence for individuals who willfully choose to drink, drive and take innocently lives by way of reckless behavior. Further, the current criminal punishment for individuals convicted of this crime is not fitting and not just in the eyes of our community.

Drunk driving is preventable and without stringent laws in place to combat this disease it will continue and we will lose loved ones. These bills send a strong message out to those who consider drinking and driving. The detrimental impacts are tremendous as stated in the preamble of this bill.

I kindly ask you to consider the following when contemplating to support this bill:

- According to the Centers for Disease Control and Prevention (CDC), approximately 28 people in the United States die in drunk driving crashes. This equates to one fatality every 51 minutes. Further, the cost of drunk driving related crashes totals to more than \$44 billion per year.
- Department of Transportation (US), National Highway Traffic Safety Administration (NHTSA) reports that 10,265 lives were loss due to drunk driving crashes in 2015 which accounts to nearly one-third (29%) of all traffic-related fatalities in the United States. That is 10,000+ lives that could have been prevented in one year alone.
- According to Mothers Against Drunk Driving (MADD) statistics, 34 lives loss were attributed to drunk driving crashes which accounts to one-quarter (28%) of all traffic-related fatalities in Hawaii.

- Our loved ones could be here today and gone tomorrow. By not taking action NOW, their lives are always at jeopardy when traveling on our highways and byways. Place yourselves in the shoes of the victims. Think about the lives you will save by making a choice to support a law that would be a deterrence and bring justice to those who have been convicted of these heinous crimes.

For these reasons, I ask that **you amend this bill by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** It is a mere benefit to the health and well-being of our communities and without your commitment to make this change, lives will continue to be at stake.

Thank you for the opportunity to testify!

Christine Rudolf

910-322-2023

crudolf70@gmail.com

Randi-Lynn Tam
47-710 Lamaula Road
Kaneohe, Hi 96744
randilynn.tam@gmail.com
#808-218-9889



**Testimony to the House Committee on Judiciary
Thursday, February 22, 2018, 2:00p.m.
State Capitol Conference Room 325**

Re: Supporting House Bill No. 2588, Relating to Extended Terms of Imprisonment

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

My name is Randi Lynn Tam and I am concerned citizen of the State of Hawaii. I have lived in Kahaluu on Oahu for the past 28 years. I have seen the detrimental impacts of drinking and driving on our Windward and North Shore communities. I am also personally impacted by this disease as a family member of the late Kaulana Werner. I am in **100% support of this Bill.**

I am kindly requesting that you **amend this House Bill No. 2588 by inserting the provisions of Senate Bill No. 2582, Senate Draft 1, and making the effective date "upon approval."** Also, I would like to personally ask that you shepherd this Bill to ensure its entry into Hawaii law in this the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018.

Mahalo for your consideration of my testimony!

LATE

HB-2588

Submitted on: 2/21/2018 10:04:42 PM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha	Individual	Support	No

Comments:

I FULLY suppose bill HB2588.

There are to many people now days getting away with murder, so I feel if you do the crime you can do the time, and NOT just a few months in prison, NO thats not enought time. If you are old enough to drink then you are old enough to make the right decision before you get behind that wheel to drive that car. Drunk or sober no matter what, if you hit someone the less you can do is render aid because you just might save that's person's life instead of leaving them there to die.

I'm pretty sure if you had a family member in a tragic accident you would want justice to be served for your loved one as well. This bill will bring justice for these families that lost a loved one. So it is only right that you keep these kind of irresponsible people off our roads, if not someone else's family member just might be taken from them due to a careless driver.

PLEASE MAKE THE RIGHT DECISION TO PASS HB2588. DON'T LET THE TRAGEDY OF THE WERNER OHANA BECOME YOUR REALITY.

LATE

HB-2588

Submitted on: 2/21/2018 10:31:17 PM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
H	Individual	Support	No

Comments:

We stand in solidarity with the Werner 'Ohana in support of bill HB2588. So that justice will finally served for Kaulana Werner and for all victims. He will never be forgotten.

LATE

HB-2588

Submitted on: 2/21/2018 10:50:04 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chantel	Individual	Support	No

Comments:

I, Chantel Luke speak on behalf of myself and the Werner Family who lost a loved one by someone's ignorant and foolish act. It is sadden to see and hear how many people's lives are being taken away from someone of selfish, dysfunctional, cruel, toxic and violent behavior. We need our roads to be safe, secure and free of drunk drivers. Those of such reckless drivers are to be punished and accounted for their actions. Hawaii has gotten out of hand and is now rated the worst highways to drive on. Peoples lives needs to be saved and protected! Innocent people are dying because of someone else's ignorant act! No family should ever have to suffer an unexpected loss. It's not fair to anyone.

Sincerely,

Chante Luke

HB-2588

Submitted on: 2/22/2018 12:31:41 AM

Testimony for JUD on 2/22/2018 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Tamela-Renee Young	Individual	Support	No

Comments:

Aloha,

My name is Tamela-Renee Young, and I support the Kaulana Bill HB2588. I truly believe we need to be held accountable for our actions. No matter what the situation, if you hit someone, the least you can do is render aid!!! Doing this allows the possibility of saving a life!!!

My my nephew Kaulana Werner was hit by a foolish soul who decided to have way too many drinks, and drove!! Kaulana was just beginning his life!!! What this driver doesn't realize is, she not only took our Kaulana away from us, she destroyed lives that are still here on earth. My son can no longer function as he used to. His cousin, best friend, confidant was taken away from him in a split second, and he was not even here to be comforted by us when he was told the news that Kaulana had passed away. She will never know the devastation she has caused our family...

I believe the penalties for this type of act, is currently way too lenient. If you knowingly get behind the wheel of a car, and knowingly drive that car whether impaired or not, you are still responsible for your actions. Please do not let our Kaulana's passing be in vain!!! It's time people pay for their actions accordingly!!! If the penalties are too light, no one will be afraid to be reckless, the time has come where we need to put the fear back into society, and put harsher penalties into place. Please I ask with a broken heart that you pass this bill!!! God Bless

Tamela-Renee Young

Avelina Santiago
94-132 Pupupuhi Street #16
Avelinas@hawaii.edu



February 21, 2018

To: The Honorable Chair, Committee members and Representatives, AQUINO, CULLEN, GATES, HAR, QUINLAN, TUPOLA, YAMANE and members of the Senate Committee on February 22, 2018

RE: HB 2588 , A BILL FOR AN ACT: Relating to extended terms of Imprisonment

Hearing Date and Time: Thursday, February 22, 2018 at 2:00 PM

Hearing Room: House Conference Room 325

Chair, Vice-Chair, and members of the House Committee, I am testifying in **strong support** of HB 2588. This

My name is Avelina Santiago, I live within the Waipahu district community. I am a recent undergraduate from the University of Hawaii at Manoa, with a Bachelors of Science degree in Human development and Family Resources. I am in the process of completing requires hours to become a Substance Abuse Counselor through ADAD. I am employed with Hale Kipa Inc. as a Youth Counselor and work with at risk and foster youth. I am a member of Victory Outreach Hawaiian Islands, where I encounter individuals battling with problems related to drugs, alcohol and violence of every kind.

According to Davis Livingston, attorneys at law (2013), there was close to 10, 000 serious car accidents caused by distracted drivers here in Hawaii. In 2013, Hawaii had 93 fatal crashes despite safety awareness as a major focus. In 2016, there was 120 fatalities on Hawaii roads where a nineteen-year-old Kaulana Matthew Auwae Werner was a victim of a fatal crash in Nanakuli on April 24, 2016. In 2017, a total of 106 people were killed due to motor vehicle accidents (Department of Transportation, 2018). Just this weekend, two victims died in Makaha and multiple more pedestrians have lost their lives to negligent drivers this year all over our Island.

We need Kaulana's Law not only to promote more awareness but for action against those that have caused death or disability now and to prevent future victims. Drivers need to understand, if they get behind the wheel of a vehicle and decide to text, be under the influence or drive reckless, there will be consequences. This proposed law I believe will make every driver cautious

about how they drive. With Hawaii's transportation system and resources such as Uber and Lyft, there should be no excuse for anyone who causes a fatality on the road.

I strongly and wholeheartedly support HB 2588

Thank you for the opportunity to testify.

Sincerely,

Avelina Santiago

LATE

HB-2588

Submitted on: 2/22/2018 6:14:04 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Whitehead	Individual	Support	No

Comments:

I support this bill

LATE

HB-2588

Submitted on: 2/22/2018 8:42:13 AM
Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kristen nakasone	Individual	Support	No

Comments:

I support HB2588

LATE

HB-2588

Submitted on: 2/22/2018 8:50:35 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Milho	Individual	Support	No

Comments:

I am in FULL support of HB2588. Requesting that the House Committee on Judiciary amend the current language to coincide with SB 2582, Draft 1, which narrows the scope to crimes of negligent homicide and failure to render aide. Mahalo!

LATE

HB-2588

Submitted on: 2/22/2018 9:18:32 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
summer lapilio	Individual	Support	No

Comments:

LATE

HB-2588

Submitted on: 2/22/2018 10:09:20 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
BONNIE-GAE KALEIKINI	Individual	Support	No

Comments:

Our ohana lost our dear son and brother, Jonah Ragsdale, to a senseless hit&run, on 2/19/18. PLEASE pass this bill. There needs to be more stringent consequences for people who drive with disregard to their community and surroundings - we must impose mandatory extended terms of imprisonment, for the men and women who lost their lives to these negligent people!

LATE

HB-2588

Submitted on: 2/22/2018 10:48:10 AM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nonohe Botelho	Individual	Support	Yes

Comments:

LATE

Ainahau Bajet
91-1039 Kealiiahonui St.
Kapolei, HI 96707
ainahaubajet@gmail.com
#808-450-8595

Testimony to the Senate Committee on Judiciary
Thursday, February 22, 2018, 2pm
State Capitol Room 325

Re: Supporting Senate Bill No. 2588, Relating to Extended Terms of Imprisonment

Chair Taniguchi, Vice Chair Rhoads, and Members of the Committee:

My name is Ainahau Bajet and I am the Godparent to the late Kaulana Matthew Auwae Werner who was fell victim to the hands of a drunk driving, hit and run accident that occurred on April 24, 2016 in Nanakuli, Hawaii. **I am testifying in SUPPORT of Senate Bill No. 2588 to be passed into law in this the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018.**

Kaulana Werner was not your average teenager. He strived for excellence in all aspects of life and never failed in lending a helping to those in need. For any human being, let alone a teenager, to understand the importance of God's words to "love one another" and furthermore, mimic your life around these words seem impossible, not for Kaulana. Regardless if you've known him from a distance, through a few words, or for his entire lifetime, one thing is certain, and that is, he is simply amazing! Truth be told, his admirable characteristics, and contagious smile has made this healing journey extremely difficult. Destined for greatness, Kaulana has touched so many lives not only in his short nineteen years with us, but beyond that. One thing's for sure, Kaulana's legacy will never fade, and we will continue to share his story with the hope that people will become educated on the importance of not drinking and driving.

The sole purpose of Senate Bill No. 2588 is a perfect opportunity to restore faith in those who've fallen victim to the hands of this preventable disease. As not only a concerned citizen of Hawai'i, but someone who has witnessed the aftermath, I **strongly support this bill**. This bill adds to the deterrence for individuals who willfully choose to drink, drive and take innocently lives by way of reckless behavior. Further, the current criminal punishment for individuals convicted of this crime is not fitting and not just in the eyes of our community.

The purpose of this testimony is to present to the Committee an insight on how drunk driving has impacted my family's lives. We have been thrown into a situation that claimed the life of our loved one, and has forced us to find a new normal without Kaulana here. The daily roller coaster of emotions we experience is indescribable. There needs to be more awareness to the fact that Drunk Driving is 100% preventable, and further stress upon the consequences. Stricter laws will be the best way to initiate an elimination of this disease. The statistics speak for themselves, and our testimonies should be enough for you to see life through our eyes preceding an accident. I kindly ask you to consider this Bill through your Committee and also ensure that this Bill becomes a law in the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018.

Mahalo for your time and consideration towards my testimony.

Ainahau Bajet

LATE

HB-2588

Submitted on: 2/22/2018 1:38:30 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aimee Takaki	Individual	Support	No

Comments:

I write this in full support of HB2588. I respectfully ask for you to consider the potential of this bill to prevent deaths like Kaulana Werner's. Drunk driving is a preventable crime. Kaulana's death was preventable. If we can strengthen the court's authority to pass stiffer penalties for crimes like these, we might save future lives.

LATE

HB-2588

Submitted on: 2/22/2018 2:54:33 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Alexander	Hawaii Bicycling League	Support	Yes

Comments:

Aloha Judiciary Chair Nishimoto, Vice Chair San Buenaventura, and esteemed members of the Committee on Judiciary:

The Hawaii Bicycling League supports SB2582 which allows for extended prison terms for people who kill others on our roads through their negligent behavior and fail to render aid. Our society needs to make it clear, as in other laws (such as the Vulnerable Users Law), that those driving potentially dangerous vehicles need to behave extra cautiously so as not to injure other innocent road users.

We need to end traffic violence and envision zero deaths on our public highways so all people can use them for transportation, recreation, and health as people who walk, bike, or drive. The roads are not just for people who drive. They were originally for those who walked and must be restored to meet the needs of the most vulnerable users.

As Kamehameha said in Mamalahoe Kanawai, his law of the Splintered Paddle, "e hele a moe i ke ala," everyone has a right to feel safe on our roads. Kamehameha's punishment for those who violated the law and harmed road users was the severest of punishments: death. We do not call to punish those who negligently kill others on our roads with death, but we certainly call to keep them off our roads until they learn their lessons, and possibly should never be granted the privilege of driving again.

Other societies like the Netherlands, Denmark, and Japan make it clear that unsafe, impaired driving is totally unacceptable and will not be tolerated. This law is one step in that direction.

Please pass this law in memory of Kaulana Werner, Zachary Manago, and many others whose lives have been needlessly taken by those who should have been much, much more careful. Let's continue the road to Vision Zero by passing this law.

Thank you very much for considering the comments of Hawaii Bicycling League. If you have any questions or would like to discuss further, please contact Chad Taniguchi (808-735- 5756, chad@hbl.org) or Daniel Alexander (808-275-6717, Daniel@hbl.org).

LATE

HB-2588

Submitted on: 2/22/2018 4:00:46 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Princess Haverly	Individual	Support	No

Comments: