



Mothers Against Drunk Driving HAWAII
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Honolulu, HI 96813
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February 6, 2018

To: Senator Brian T. Taniguchi, Chair — Senate Committee on Judiciary; Senator Karl Rhoads, Vice Chair, and members of the Committee

From: Carol McNamee, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2582 – 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 Senate Bill 2582, relating to Extended Terms of Imprisonment.

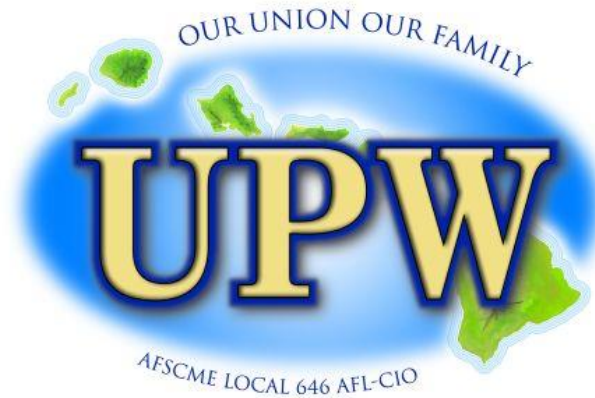
This bill adds a new section to the “Criteria for extended terms of imprisonment” (706-662) to allow the Court to extend the sentence of a person convicted of Negligent Homicide in the first degree (impairment by alcohol and/or drugs) who left the scene of the collision without attempting to render aid 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. 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 SB 2582.

Thank you for this opportunity to testify.



The Hawaii State Senate
The Twenty-Ninth Legislature
Regular Session of 2018

Committee on Judiciary
Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair

DATE OF HEARING: Tuesday, February 6, 2018
TIME OF HEARING: 9:30 a.m.
PLACE OF HEARING: State Capitol, Conference Room 016

TESTIMONY IN SUPPORT OF SB2582
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.

SB2582 adds certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment. Section 706-662 proposes to add a seventh condition to wit: "(7) The defendant is convicted under section 707-702.5 and the defendant did not remain at the scene of the crime and render reasonable assistance to an injured person, including acts and omissions in violation of 291C-12". There will be judicial discretion in applying this new provision of the law. The UPW strongly supports this bill.

Thank you for the opportunity to submit this testimony.

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

Testimony to the Senate Committee on Judiciary
Tuesday, February 6, 2018, 9:30a.m.
State Capitol Room 016

Re: Supporting Senate Bill No. 2582, Relating to Extended Terms of Imprisonment

Chair Taniguchi, Vice Chair Rhoads, 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 testifying in SUPPORT of Senate Bill No. 2582 to be passed into law in this the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018.**

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.

Senate Bill No. 2582 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 was originated from the people. 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 beyond what is being issued currently. We've heard the frustrations, agony and nightmares of those victims who've come before us and hearing of the results of the offenders' 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), 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 Senate Bill No. 2582. 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 aide.

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 am asking that you seriously consider, not only passing this Bill through your Committee, but also, ensuring that this Bill becomes a law in this the Hawaii State Senate Twenty-Ninth Legislature Regular Session of 2018. This Bill shall be noted as "Kaulana's Bill."

Enclosing, 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!



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
The Senate
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

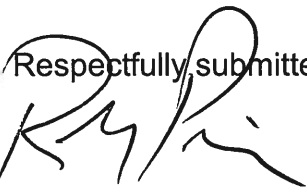
February 6, 2018

S.B. 2582 – RELATING TO EXTENDED TERMS OF IMPRISONMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the general intent of S.B. 2582 which adds certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment.

As written, S.B. 2582 grants the courts the flexibility and discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aid. We are hopeful that passage of this measure and the potential for increased penalties will deter individuals from choosing to drink and drive.

Thank you for the opportunity to testify in support of the intent of S.B. 2582.

Respectfully submitted,


Randy Perreira
Executive Director

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

Testimony to the Senate Committee on Judiciary
Tuesday, February 6, 2018, 9:30 a.m.
State Capitol, Conf. Room 016

RE: SUPPORTING SENATE BILL NO. 2582, RELATING TO EXTENDED TERMS OF IMPRISONMENT.

Chair Taniguchi, Vice Chair Rhoads, 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 Senate Bill No. 2582.

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 C 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 aggregate 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. 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 is before this body presently.

The intent behind the earlier draft was to promote a thorough discussion on this issue by policy makers and prompt serious legal analysis by staff. By having this hearing and seeing the draft before this body, it is clear that both has occurred, and for that I personally want to thank the Chair, this Committee, and the Committee's staff for their dedicated efforts.

It should be noted that the original version of the draft was introduced in the House. A copy of House Bill No. 2588 is attached for your information and files.

Testimony on Senate Bill No. 2585

February 6, 2018; 9:30 a.m.

Page 3

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 work with your colleagues in the House to find meaningful and immediate relief for the families of victims.

Thank you for your consideration of my testimony.

attachment

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 recognizes that, on the evening
2 of April 24, 2016, nineteen-year-old Kaulana Matthew Auwae
3 Werner was struck and killed by a motor vehicle. The driver of
4 the motor vehicle allegedly fled the scene of the accident and
5 was found a half-mile away, reportedly attempting to tow her
6 vehicle with the help of an acquaintance. The driver was
7 subsequently charged with the offenses of accidents involving
8 death or serious bodily injury and negligent homicide in the
9 first degree under sections 291C-12 and 707-702.5, Hawaii
10 Revised Statutes. Both of these offenses are class B felonies.

11 The legislature finds that if the driver is convicted of
12 either offense, the maximum sentence that may be imposed is ten
13 years imprisonment; and if the driver is convicted of both
14 offenses, it is theoretically possible that the maximum sentence
15 of ten years imprisonment for each offense could be doubled to
16 twenty years under the extended sentencing provision for
17 multiple offenders pursuant to section 706-662(4)(a), Hawaii



1 Revised Statutes, and that the sentence in each offense could be
2 ordered to run consecutively under section 706-668.5, Hawaii
3 Revised Statutes, for a total of forty years imprisonment.

4 The legislature asserts that when an offender is convicted
5 of a crime that results in the death, disability, or
6 serious disfigurement of a victim, and the facts of the case
7 demonstrate the offender's wilful and wanton disregard of the
8 need to exercise reasonable care, courts should have the
9 discretion to impose an extended term of imprisonment. The
10 legislature believes that enhanced sentencing in these cases is
11 warranted based on the offender's gross negligence and the need
12 to protect the safety and welfare of the general public.

13 Accordingly, the purpose of this Act, which shall be known
14 as "Kaulana's Law", is to grant courts the authority to
15 sentence, to an extended term of imprisonment, an offender who
16 is convicted of a felony that results in the death, disability,
17 or serious disfigurement of one or more persons based on the
18 offender's wilful and wanton disregard of the need to exercise
19 reasonable care.



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

3 **"§706-662 Criteria for extended terms of imprisonment.** A
4 defendant who has been convicted of a felony may be subject to
5 an extended term of imprisonment under section 706-661 if it is
6 proven beyond a reasonable doubt that an extended term of
7 imprisonment is necessary for the protection of the public and
8 that the convicted defendant satisfies one or more of the
9 following criteria:

- 10 (1) The defendant is a persistent offender in that the
11 defendant has previously been convicted of two or more
12 felonies committed at different times when the
13 defendant was eighteen years of age or older;
- 14 (2) The defendant is a professional criminal in that:
- 15 (a) The circumstances of the crime show that the
16 defendant has knowingly engaged in criminal
17 activity as a major source of livelihood; or
- 18 (b) The defendant has substantial income or resources
19 not explained to be derived from a source other
20 than criminal activity;



H.B. NO. 2588

1 (3) The defendant is a dangerous person in that the
2 defendant has been subjected to a psychiatric or
3 psychological evaluation that documents a significant
4 history of dangerousness to others resulting in
5 criminally violent conduct, and this history makes the
6 defendant a serious danger to others. Nothing in this
7 section precludes the introduction of victim-related
8 data to establish dangerousness in accord with the
9 Hawaii rules of evidence;

10 (4) The defendant is a multiple offender in that:
11 (a) The defendant is being sentenced for two or more
12 felonies or is already under sentence of
13 imprisonment for any felony; or
14 (b) The maximum terms of imprisonment authorized for
15 each of the defendant's crimes, if made to run
16 consecutively, would equal or exceed in length
17 the maximum of the extended term imposed or would
18 equal or exceed forty years if the extended term
19 imposed is for a class A felony;



H.B. NO. 2588

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

4 (a) The defendant attempts or commits any of the
5 following crimes: murder, manslaughter, a sexual
6 offense that constitutes a felony under chapter
7 707, robbery, felonious assault, burglary, or
8 kidnapping; and

9 (b) The defendant, in the course of committing or
10 attempting to commit the crime, inflicts serious
11 or substantial bodily injury upon a person who
12 has the status of being:

- 13 (i) Sixty years of age or older;
 - 14 (ii) Blind, a paraplegic, or a quadriplegic; or
 - 15 (iii) Eight years of age or younger; and
- 16 the person's status is known or reasonably should
17 be known to the defendant; [øæ]

18 (6) The defendant is a hate crime offender in that:

19 (a) The defendant is convicted of a crime under
20 chapter 707, 708, or 711; and



H.B. NO. 2588

1 (b) The defendant intentionally selected a victim or,
2 in the case of a property crime, the property
3 that was the object of a crime, because of
4 hostility toward the actual or perceived race,
5 religion, disability, ethnicity, national origin,
6 gender identity or expression, or sexual
7 orientation of any person. For purposes of this
8 subsection, "gender identity or expression"
9 includes a person's actual or perceived gender,
10 as well as a person's gender identity, gender-
11 related self-image, gender-related appearance, or
12 gender-related expression, regardless of whether
13 that gender identity, gender-related self-image,
14 gender-related appearance, or gender-related
15 expression is different from that traditionally
16 associated with the person's sex at birth[-]; or

17 (7) The defendant is convicted of any felony under chapter
18 707 that results in:

19 (a) The death of another person;

20 (b) Injury to another person that constitutes, in
21 whole or in part, a permanent and significant



1 loss of use of a part or function of the person's
2 body; or
3 (c) Injury to another person that constitutes a
4 permanent and serious disfigurement that subjects
5 the person to mental or emotional suffering; and
6 the defendant, in the course of committing or
7 attempting to commit the offense, demonstrates a
8 wilful and wanton disregard of the need to exercise
9 reasonable care, which was likely to cause foreseeable
10 grave injury or harm to one or more persons, property,
11 or both."

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

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

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY:

San Wit [Signature]
[Signature] [Signature]
[Signature] [Signature]



H.B. NO. 2588

Al J...
Shamir

JAN 24 2018



H.B. NO. 2588

Report Title:

Enhanced Sentencing; Murder; Manslaughter; Negligent Homicide;
Gross Negligence

Description:

Establishes a gross negligence standard for the 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.

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



SB-2582

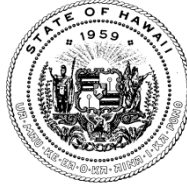
Submitted on: 2/4/2018 10:33:53 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

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

Comments:

My Brother is Kaulana Werner. I fully 1,010% support this bill. His life ended by this reckless drunk driver! Its not fair. Our life changed forever on the night of April 24, 2016. She has no remorse. She didnt stop to render aide. She left him all alone to die. Almost 2 years later she still free. She deserves to be punished to the full extent for her actions. She robbed him of his future. She took that all away from my family and I. We need harsher penalties for these type of actions.



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 6, 2018
9:30AM
State Capitol, Room 016

LATE

S.B. 2582
RELATING TO EXTENDED TERMS OF IMPRISONMENT

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 2582 relating to extended terms of imprisonment. This bill adds certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment.

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. Hawaii continues to be above average in percentage the number of alcohol-impaired driving fatalities as compared to the national average. Recently, there has also been an increase of fatalities in which the driver has failed to render aid after the crash. Passage of this bill will deter those who continue to drink and drive to think twice before getting behind the wheel; a behavior that places other road users at risk of death or injury.

The DOT supports the proposal of the conviction negligent homicide and failure to render aid as these crimes are very egregious when resulting in the same incident that causes the life of another.

The DOT urges your support in passing S.B. 2582 as it will make offenders more accountable for the results of their actions.

Thank you for the opportunity to provide testimony.

SB-2582

Submitted on: 2/5/2018 11:29:07 PM

Testimony for JDC on 2/6/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Lapilio		Support	Yes

Comments:

Imagine waking every morning and the first thing you see is a memorial of your loved one. Or going to bed and the last vision is of your loved one's memorial. Well that's what it's been like everyday since April 24,2016 for Kaulana's parents, Eddie and Paula Werner. And they have a lifetime more of this to go. Yes, a lifetime because no one and nothing will ever be able to fill the void left by Kaulana's demise.

Interestingly though, the perpetrator aka drunk driver who not only failed to render aid but intentionally tried to flee her heinous act arises each and every morning coddling her toddler. And at nightfall, she tucks her child in bed. Contrary to Paula and Eddie, she will have a lifetime of pampering her child. She will continue to behave irresponsibly and without any remorse for her nefarious deeds.

Although this change will probably not be retroactive to Kaulana's case, I can surmise that it will bring pause to others who are inebriated. Because all it takes is one drink. Please don't let our tragedy become your reality, and pass this bill.

Mahalo,

Sarah Lapilio

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



Testimony to the Senate Committee on Ju
Tuesday, February 6, 2018, 9:30a.m.
State Capitol Room 016

Re: Supporting Senate Bill No. 2582, 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. 2582 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. 2582 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

SB-2582

Submitted on: 2/5/2018 11:02:13 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelli KN Kwan		Support	No

Comments:

As a teacher and resident of the community, I am in full support of the bill. There have been too many lethal accidents that have taken innocent lives. This bill will serve as a step toward righteousness against those who decide to drive recklessly, and or under the influence. Passing bill SB2582 will give communities and families a small peace knowing that justice will be served in a timely and efficient manner.

Mahalo.

SB-2582

Submitted on: 2/5/2018 10:36:35 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Casie Mahelona		Support	No

Comments:

Kaulana Werner was the most loving and caring nephew we know. Our life has forever changed with the sudden loss of him. Anyone that INTENTIONALLY drives a motor vehicle while under the influence of self ingested substances should be held accountable. She chose to drive drunk. We lost our family member forever.

SB-2582

Submitted on: 2/3/2018 1:14:43 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
alex distajo		Support	No

Comments:

Fully support the BILL. Justice for Kaulana needs to be served and the person who is responsible for it needs to be locked up. #kw4l #justiceforlana

SB-2582

Submitted on: 2/3/2018 1:22:45 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
gail lee		Support	No

Comments:

I'm all against drinking and driving. This bill need to pass to stop them drunk drivers from killing innocent people. Thank you

SB-2582

Submitted on: 2/5/2018 10:04:23 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnny		Support	No

Comments:

I fully support this bill! My Name is Johnny Werner im 13 years old Kaulana was my Uncle! It beens 2 years since My Uncle Kaulana was Killed by A Drunk Driver! At the time i was only 11 years of age and that night of the accident it still haunts me. I miss my Uncle so much his life was taken in a blink of eye by a careless drunk driver. I see and read on the news that people who steal from the stores get harder punishments and jail time where as drunk drivers kill innocent lives and only gets a slap on the wrist! Im on a child and i know right from wrong. Myisha not only drove drunk she hit a human being and fled the scene she did not stope to render aide, if she did maybe my uncle would be still here. There are choices and she made a very bad choice and she needs to be punished! My Uncle will never see me graduate take me to prom or celebrate our birthdays together! Please consider this bill.

Mahalo

Johnny

SB-2582

Submitted on: 2/3/2018 3:50:00 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harmony Meyer		Support	No

Comments:

Aloha Everyone,

My name is Harmony Meyer. My ohana & I, strongly support this bill and pray that the people responsible for passing this bill do what is right. It has been 2 years since Kaulanas life was brutally taken away from his family. I believe that Kaulana Werner has not received any justice since the suspect, Myisha Armitage stole his life that night. I would never wish what happen to Eddie and Paulette Werner to my worst enemy. This bill will do just that. Raising punishment in our community means more awareness to those you choose to drink and drive. This bill will make people in my community "think twice" before they decide to get behind the wheel under the influence of drugs and alcohol. This bill will save lives. Who knows it may save the lives of your loved ones and even yours. The Werners are good people and very respected in our community. They have held signs on Farrington reminding people to be akamai, dont drink and drive. As you know there has been many fatalities on Farrington Hwy in the past 10 years. About 3 or more every year on Farrington Hwy alone. If the bill is passed your not only helping the Westside community, but all residents in Hawaii.

Mahalo for your time,

Harmony Meyer

891012 Pikaiolena St.

Waianae,HI 96792

SB-2582

Submitted on: 2/3/2018 9:06:17 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawai		Support	No

Comments:

I fully support this bill!!!

SB-2582

Submitted on: 2/3/2018 10:02:07 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kilani		Support	No

Comments:

I fully support this bill. A close friend was killed by someone who decided to get behind the wheel after drinking. Her decision to operate that vehicle while intoxicated killed a young boy who had a prosperous life to look forward to. She hit him. Dragged him. Left him to die and left the scene. It isn't fair to him and his family that she is still able to be free to drive and possibly hurt or kill someone else. Please help crack down on people like this and pass this bill. DO THE RIGHT THING!!! Thank you

SB-2582

Submitted on: 2/4/2018 9:54:51 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shayla Arindain-Peneku		Support	No

Comments:

I agree 100% , we cannot allow our children,nieces,nephews, cousins etc out into the world thinking the system (crosswalks,streets,authorities, etc) should or will do its job and contain and enforce safety and the abidance of the laws we the people of O’ahu came together and thought up, thinking we were giving solutions to anything we felt needed guidelines. But not to give out halfasted adjusted slaps on the wrist to the alleged “I didn’t know, bobble head, murderous people” we let go without getting what they truly deserve but by Ke Akua’s will .. JUSTICE WILL BE SURVED! We do not tell our family it’s safe to walk across the road and when they get taken from us, through negligence, stupidity, arrogance, not to mention cowardly, vindictive and faint of heart and watch as the oppresser gets to walk free for more then two years after our Kaulana’s passing. We must do right by him and unfortunately many other lost loved ones gone to soon and not stop until something changes. Complacency is what’s killing our kids. Work hard and give it your all to put in work and make a difference for the ones we lost so there will be NO FUTURE VICTIMS! “Don’t let our tragedy, become your reality!” -Uncle Eds ðŸ™ˆ

SB-2582

Submitted on: 2/5/2018 7:02:15 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaylen Mahuka	individual	Support	No

Comments:

I was born and raised in Nanakuli. Throughout my life I have seen lives taken by carelessness on the Leeward Coast due to drunk drivers. I don't necessarily see that our roads are unsafe, they may need improvement with lighting but when a person gets behind the wheel to drive knowing they are under the influence is not an excuse. I have known the Werner Ohana all of my life, we are family, and they gave Kaulana a great life. This girl was selfish to have claimed the life of a young man who Didn't even have a chance to live the life he dreamt of due to her carelessness. What appalls me is this court case that keeps getting delayed. The family has suffered and is still suffering from the moment they lost Kaulana. Nanakuli has been mourning the death of this young talented respectful boy because Myisha decided to get behind a wheel in a drunken state. I support this bill for not only the lost of Kaulana but for all those who has lost loved ones due to drunk driving. This should prove to everyone young and old that this needs to be stopped. People need to be responsible for their actions. Not just those who get behind the wheel but those who "let" people drink and drive. Rest in love Kaulana!

SB-2582

Submitted on: 2/5/2018 8:43:07 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

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

Comments:

I am writing this testimony in full support of SB2582. Giving the courts greater discretion and authority in imposing stiffer penalties works in Hawai'i's best interests. This bill has the potential to curb the occurrence of the preventable crime drunk driving as well as other preventable offenses. Kaulana Werner was hit and killed in April 2016 by Myisha-Lee Armitage, a drunk driver that fled the scene. His family continues to wait for her trial. On one hand, Armitage's trial continuances delay justice for Kaulana Werner. The other, crueler side to Armitage's actions are the immense grief she caused. The Werners are a close-knit family still going through the grieving process. They continue to move forward but are unable to truly reconcile their grief while Armitage continues to avoid her day in court. Please help prevent further tragedies like these and vote for SB2582.

SB-2582

Submitted on: 2/3/2018 11:53:10 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pua auwae		Support	No

Comments:

I Fully Support This Bill!

SB-2582

Submitted on: 2/3/2018 11:45:53 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaymie Hashimoto		Support	No

Comments:

I support the bill

SB-2582

Submitted on: 2/3/2018 12:22:22 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

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

Comments:

Justice4Kaulana

SB-2582

Submitted on: 2/3/2018 11:53:10 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

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

Comments:

I fully support this bill !

SB-2582

Submitted on: 2/3/2018 1:49:34 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia		Support	No

Comments:

SB-2582

Submitted on: 2/3/2018 1:55:58 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

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

Comments:

Full support of this bill.

SB-2582

Submitted on: 2/5/2018 11:56:07 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Cunningham		Support	No

Comments:

I support this Bill.

SB-2582

Submitted on: 2/5/2018 2:42:56 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
casey santos		Support	No

Comments:

What a slap in the face to loved ones lost due to vehicular manslaughter by a drunk driver. What makes it even more unbearable is when the driver doesn't render aid and is too intoxicated to think a human being was injured. Why is it illegal to drink and drive? That's the reason for this bill.

SB-2582

Submitted on: 2/5/2018 2:50:38 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
joy baker		Support	No

Comments:

Justice needs to be served!!! More intense cJustice should be served. This has been too long!!!

SB-2582

Submitted on: 2/5/2018 4:15:02 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Hokunani Brown		Support	No

Comments:

SB-2582

Submitted on: 2/6/2018 5:42:15 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Brooke Wilson	Hawaii Regional Council of Carpenters	Support	No

Comments:

Chair Taniguchi,

The Hawaii Regional Council of Carpenters supports the intent of this bill. We encourage the committee to pass the bill and continue the discussion.

-Brooke Wilson

Political and Education Director

HAWAII REGIONAL COUNCIL OF CARPENTERS

[1311 Houghtailing Street](#)

[Honolulu, Hawaii 96817-2712](#)

**TESTIMONY ON SENATE BILL NO. 2582
RELATING TO EXTENDED TERMS OF IMPRISONMENT**

LATE

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 Senate Bill No. 2582**. As I understand it, this bill would give courts the authority to extend the prison term for someone 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, 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. And at the same time, she 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. The drunk driver 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?" In recent years, this has been the sad, heart wrenching reality. It is NOT fitting, 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 Senate Bill No. 2582.**

Mahalo for this opportunity to provide testimony.

Very Respectfully,
Laura Sturm
91-1325 Kinoiki Street
Kapolei, HI 96707
ms.kakes@gmail.com

LATE

February 2, 2018

IN SUPPORT OF: SB2582

The violent acts of impaired drunk driving.
I am highly in support and am requesting of the
consideration, passing and signing of SB2582.
Stricter laws and harsh punishments for DUI.

For all the victims and their family's who must suffer it's
crushing effects, it's devastation, grief, endless pain & forever
a life time heart ache, and the daily struggles they
must bear. Infliction, and to carry on.
I humbly ask the consideration & passing of SB2582.

Mahalo and aloha,
Lani Shimabuku
Pearl City, HI

* J4KW

SB-2582

Submitted on: 2/5/2018 6:01:50 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Werner		Support	No

Comments:

I FULLY SUPPORT THIS BILL THERE ARE TOO MANY DRUNK DRIVING ACCIDENTS THAT HAPPEN & THE VICTIM AND FAMILIES HAVE NO SAY. THE SUSPECTED DRIVER GETS AWAY WITH LESSER CHARGE AND LESSER TIME SERVED OR GIVEN PROBATION BUT YET THE VICTIM IS EITHER LEFT WITH DISABILITIES OR EVEN DEATH. THIS BILL CAN HELP HUGELY AND MAY MAKE THE DRIVER THINK AGAIN IF THEY GET BEHIND THE WHEEL INTOXICATED.. YOU DO THE CRIME YOU SHOULD PAY THE TIME. ITS ALL ABOUT PREVENTING A TRAGEDY. BETTER TO ARRIVE ALIVE THEN NOT ARRIVE AT ALL. SAVE A LIFE OR LIVES IS WHAT REALLY MATTERS. MAKING SAFER ROADS IN THE STATES. DRIVE WITH ALOHA.

SB-2582

Submitted on: 2/5/2018 6:02:28 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Bernee	KW4L	Support	No

Comments:

Brandy Lapilio-Reveira
91-1039 Kealiiahonui St.
Kapolei, HI 96707
BrandyLapilio@yahoo.com
(808) 892-9887

LATE

Testimony to the Senate Committee on Judiciary
Tuesday, February 6, 2018, 9:30 a.m.
State Capitol Room 016

Re: Supporting Senate Bill No. 2582, Relating to Extended Terms of Imprisonment

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

My name is Brandy Lapilio-Reveira and I am the proud godparent of the late Kaulana Matthew Auwae Werner. He was prematurely taken from us on April 24, 2016. He was a victim of both drunk driving and a hit-and-run incident. **I am testifying in complete support of Senate Bill No. 2582.** This bill allows the courts the discretion to extend criminal sentencing for individuals convicted of negligent homicide and failure to render aide.

Kaulana Werner was an amazing person. His love for his family was only overshadowed by his love for God. He brought joy to everyone around him and left a lasting impression on everyone he met. He radiated positivity, humility, love, faith, and hope for all of us. To have his light taken away so viciously and quickly is a tragedy that we are unable to comprehend. We must move forward, however, as this is what he would want. He would want his story to help protect others.

With stricter laws in place, we hope that this will deter those that would consider both drinking and driving and then failing to render aid. This bill will send a strong message that we, as a people, choose to protect each other. I humbly request your support in passing this bill. We must help end these senseless and selfish actions.

Thank you for the opportunity to testify.

Brandy Lapilio-Reveira

SB-2582

Submitted on: 2/5/2018 6:29:50 PM

Testimony for JDC on 2/6/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Dariess Ah Sui		Support	No

Comments:

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

My name is Dariess Ah Sui. I am requesting that Senate Bill No. 2582 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.

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 support this bill**. 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!

Dariess Ah Sui

(808)780-6084

SB-2582

Submitted on: 2/5/2018 6:36:45 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Tia Leutu		Support	No

Comments:

She did the crime so she should do the time!

Nothing can fix what was done, she knew exactly what she was doing when she got behind that wheel!! Enough going through all this legal affairs! She needs to be behind bars!!!

Justice For KAULANA WERNER and Werner Ohana

SB-2582

Submitted on: 2/5/2018 7:06:29 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoë Tollefson-Oili		Support	No

Comments:

On March 31, 2007 in Haleiwa a young girl took the life of my uncle. He was on his motorcycle heading home from work and only 5 minutes from his home. She was drunk and slammed into to him. Not only did she slam into him at full force she dragged him approximately 500 more yards. He died on the scene. He left behind a wife, children, grandchildren, brothers, sisters, nieces, nephews, uncles, aunties, and a lot of friends. I remember the call I got from my cousin telling me what happened, it is a feeling that I do not wish on anyone.

I fully support this bill, because the family of the victims needs to be heard. How can you take a life due to your negligence, and be given a slap on the wrist for it, when the families have to live with what you did for eternity? I feel that they too should feel the pain and suffering for eternity.

Why should a person get caught with illegal substances with a purpose to hurt others be given a longer sentencing than a person who actually took a life? These are questions that need be asked when making a decision on SB 2582.

Mahalo for your time.

SB-2582

Submitted on: 2/5/2018 7:17:32 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Victoria		Support	No

Comments:

I support this Bill 100%. Drunk drivers should be held accountable for their actions, NO EXCUSES. Drunk drivers should not be allowed to have extensions. It is only fair to the victim and their family!! The Werner Family deserves JUSTICE!! Justice for Kaulana

SB-2582

Submitted on: 2/5/2018 8:44:40 PM

Testimony for JDC on 2/6/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Stacelynn		Support	No

Comments:

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

My name is Stacelynn Eli and I am a NÄ• nÄ• kuli community member. I am requesting that Senate Bill No. 2582 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.

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 support this bill**. 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.

Mahalo for the opportunity to testify!

SB-2582

Submitted on: 2/5/2018 9:15:58 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
KAELYM-MAREE KYLE		Support	No

Comments:

Aloha,

I fully support this bill.

There needs to be harsher consequences for people who refused to follow the law. To drink and drive knowing they are not in the right capacity to operate a vehicle, which can lead to a tragedy like ours. Shame on them. The night Kaulana Werner was hit she didn't even stop to render aid, she was found 1 mile away from the accident; not because she stopped but because her car had stopped operating.

What if she stopped to help him?

What if he could've lived?

We will never know because she failed to do her part which is drive sober

I am the cousin of Kaulana Werner, we grew up together and I watched him grow into a wonderful young man. My brother and Kaulana were closer than family, if blood could make them any closer that would be them. But, ever since April 24, 2016 I feel as if we didn't just lose Kaulana, I lost my brother too!

All for what? "A good time" and some drinks?

My brother will never be the same again knowing every time he comes home his best friend won't be here! Whenever he needs to talk to someone, his confidant and best friend won't be able to pick up the phone.

Myself, My family, his parents, brothers, sisters, other family and friends wont ever be the same again, always have a piece missing.

We need this bill to go through to strike a fear, uncertainty or even just a conscience in people to understand what can happen, what the consequences will be. Not just a slap on the wrist but suffering appropriate consequences for their actions.

Many people may say “not me” I wouldn’t hurt any one or no that wouldn’t be my family or myself getting hurt. But GUESS WHAT we never thought that on April 24, 2016 that we would feel some type of anguish, sorrow and feeling that we’ve never felt before. It can happen to anybody, so let’s stop it now before it happens to you. Don’t let our tragedy become your reality.

Who’s to say when this bill passes, maybe it will lower the rates of drunk drivers and fatalities due to drunk driving.

LETS FIND OUT!

Mahalo for your time,

Kaelym-Maree Kyle

SB-2582

Submitted on: 2/5/2018 9:20:16 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Armond Kahawai		Support	No

Comments:

Hawai'i State Senate

Senator Brian Taniguchi, Chair and Karl Rhodes, Vice Chair,

My name is Armond Kahawai and I thank you for the opportunity to voice my support of SB2582. Families who lost someone due to drunk driving will suffer through that pain for the rest of their lives. Giving the courts the authority to extend prison terms for someone who is convicted for first-degree negligent homicide by drunk driving is the right thing to do.

Thank you for your time,

Armond Kahawai

SB-2582

Submitted on: 2/5/2018 9:29:40 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jaysha Wong		Support	No

Comments:

I fully support this bill, I am a mother and I wouldn't want this to be my reality. Sending all our love and support to the Werner Ohana

LATE

SB-2582

Submitted on: 2/5/2018 9:52:24 PM
Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Khazi		Support	No

Comments:

My name is Khazirae Fears and I am 100% in support of this bill. My children are cousins of Kaulana, the young man who's life was stolen from him in his home town by a women who made the choice to drink and drive. We his family are left with an immeasurable void. Nothing but memories in a place, he should be. To add salt to the wound a slap on the wrist for the person who violently took a life. Help us restore faith in the law by passing this bill. Give us hope that this could prevent more families from hurt and lost. Hear the cries from Nanakuli and all over Hawaii. Put a end to drunk driving.

SB-2582

Submitted on: 2/5/2018 9:53:53 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

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

Comments:

My name is Shauna Kamaka and I strongly support this bill. Kaulana was my nephew and he was killed by a drunk driver nearly 2 years ago. She hit him with her car while she was drunk and then failed to render aide. If she had gotten a designated driver or decided not to get in her car at all, Kaulana would still be alive and his family wouldn't have to live in this nightmare. A longer sentence will not give the victims back their lives but we hope it will deter others from drinking and driving. We are hoping that stiffer penalties will make people think twice before they get behind the wheel when they are drunk. We need to send a message that killing someone, taking someone's life while making the decision to drive drunk, will not be taken lightly. Especially because it is a tragic situation that can be avoided. We cannot have Kaulana back but we will do everything we can to make sure this tragedy doesn't happen to another family. We humbly ask that you support this bill. Thank you.

LATE

SB-2582

Submitted on: 2/5/2018 10:41:04 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia Oili	Nanakuli	Support	No

Comments:

People who drive under the influence should be punished, and there should be greater consequences when the intoxicated driver takes a life. The feeling of losing a loved one to a drunk driver is like no other; knowing that an innocent life had been taken from this world due to someone else's reckless mistake is something that no one should be awake at night thinking about. From personal experience I know that the action of drunk drivers takes a toll on everyone. When Kaulana Werner passed away not only I, but a whole community felt the pain. It's funny how I went from seeing him almost everyday to never seeing him again at all due to someone else's bad decision. It's funny how even now almost 2 years later our community is STILL waiting for justice for Kaulana. Why would you give a slap on the wrist to someone who put many people's lives in danger? Why would you "baby" or "sugar coat" a punishment when the person deserves a much greater consequence? How could you ever compare a sentence time to a life that was taken? Obviously nothing compares to a life stripped from this world, nothing will make up for all of the time lost and nothing will fill the void left behind from the loss. The best we can do is make sure that justice is served and that everyone gets what they deserve. I support this movement to extend imprisonment and I hope that the testimonies given by us all makes everyone aware and cautious of the things they do. I hope that this movement improves our roads and the safety of everyone utilizing them. I pray that no more lives get stripped from this earth too early and that no more families have to suffer and feel as if nothing is being done. We can't stop drunk driving from happening but we can punish those who do it and rest easier at night knowing that they're getting what they deserve.

SB-2582

Submitted on: 2/5/2018 11:10:12 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
michelle distajo		Support	No

Comments:

LATE

SB-2582

Submitted on: 2/5/2018 11:14:33 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leialoha Kanehailua		Support	No

Comments:

I am a friend of Kaulanas sisters and I strongly support the Warner Ohana with bill SB2582. I have grown to know the Warner Ohana and kinda became part of their tight nit family. They welcome everyone with open arms. I have been apart of their family gatherings and hate to admit it but was once told by the family that I couldn't drive home and Mrs.Warner and one of her daughters made sure I went home safely by driving me home even though I only lived right up the road. Thank you Aunty! Kaulana was a talented young man with his whole future ahead of head of him. If SHE jus had that one Aunty/Friend or good thought to listen and NOT DRIVE DRUNK, KAULANA would still be here with his Ohana & I living and enjoying LIFE!

SB-2582

Submitted on: 2/5/2018 11:26:09 PM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Eli		Support	No

Comments:

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

My name is Clyde Eli and I am a NÄ• nÄ• kuli resident. I am requesting that Senate Bill No. 2582 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.

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 support this bill**. 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!

SB-2582

Submitted on: 2/6/2018 6:32:40 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
keala botelho		Support	No

Comments:

SB-2582

Submitted on: 2/6/2018 9:55:41 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Hawaii Bicycling League	Support	Yes

Comments:

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.

Chad Taniguchi

Executive Director

Hawaii Bicycling League chad@hbl.org

SB-2582

Submitted on: 2/6/2018 8:46:29 AM

Testimony for JDC on 2/6/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
frank taua III		Support	No

Comments:

My name is Frank Tau'a III, family friend of Kaulana Werner. On the morning of April 25th 2016 I woke up to the devastating news that Kaulana Werner had passed away from being struck by a drunk driver the night before. I remember laying in bed wishing I was still sleeping and this was just a nightmare I'd eventually wake up from. Sadly, there was a whole family and community wishing the same thing. Instead it is a reality his family and friends have to live with for the rest of their lives. I fully support the Kaulana Bill. Kaulanas death shines a bright light on the flaws of our justice system. If this bill is passed it will give families and loved ones of the deceased a better chance at peace and step toward closure. To be intoxicated behind the wheel of a vehicle is a serious offense. To kill someone while intoxicated and then fail to render aid is an outrage. For the accused to be free after a year or two is a slap on the wrist and all the same, a slap in the face of the family and friends of the victim. Is a year or two of jail time equivalent to the loss of someone's life by such negligence? That's a rhetorical question we as family and friends of Kaulana Werner ask you to keep in mind as you consider passing this Bill.

SB-2582

Submitted on: 2/6/2018 9:04:08 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia Tau'a		Support	No

Comments:

My name is Lilia Tau'a and I am a family friend of Kaulana Werner. We are from the same hometown in Nanakuli and we went to high school together at Kamehameha Schools. On the night of April 24th, 2016 he was killed by a drunk driver. Not only was she under the influence while operating a vehicle, but she also hit him and fled the scene. She left him there all alone. There are a million things she could have done and she chose to run away. When we are faced with a difficult decision, the choices that we make defines our character and who we are as a person. We put people away because of their character and their horrible decision-making skills. When the driver of the car decided to get in her car and drive drunk that night and run away after striking Kaulana, her fate should have been decided with no question about it. Please bring justice for all of us as Kaulana's family and friends. Do not let Kaulana's case get swept under the rug like many others before him. Thank you.

SB-2582

Submitted on: 2/6/2018 9:17:30 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Anastasia Kamealoha		Support	No

Comments:

I firmly believe in this bill! On behalf of my ohana I hope this will become law and help to prevent other families from continuing to suffer as a result of one person's negligence. The driver in this case was not immediately arrested, was released on \$11,000! bail for taking an innocent life (what?!) and has also had her case continued repeatedly. Let her be the example for all those that come after her and continue to drive recklessly and get away with murder! Our hearts and prayers go out to the Auwae/Werner ohana

SB-2582

Submitted on: 2/6/2018 9:34:23 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

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

Comments:

SB-2582

Submitted on: 2/6/2018 10:36:39 AM

Testimony for JDC on 2/6/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
sierra tau'a		Support	No

Comments:

My name is Sierra Tau'a, family friend of Kaulana Werner. On the night of April 24th 2016 I received the devastating news that Kaulana Werner's life has been taken by the hands of an intoxicated driver. Not only had she killed Kaulana, but she failed to render aid. It was a nightmare that the community of Nanakuli could not wake up from. Sadly Kaulana's death is bringing to light all the ugly flaws in the justice system. This bill needs to be passed to give loved ones of the deceased a chance at peace, and having future lives taken. For the accused to be able to be set free after serving one year in jail, or even no jail time is an outrage! Is minimum jail time equivalent to our loved one's life? Please keep this question close to your heart as you consider passing this bill!

**TESTIMONY ON SENATE BILL NO. 2582
RELATING TO EXTENDED TERMS OF IMPRISONMENT**

LATE

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 Senate Bill No. 2582**. As I understand it, this bill would give courts the authority to extend the prison term for someone 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, 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. And at the same time, she 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. The drunk driver 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?" In recent years, this has been the sad, heart wrenching reality. It is NOT fitting, 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 Senate Bill No. 2582.**

Mahalo for this opportunity to provide testimony.

Very Respectfully,
Laura Sturm
91-1325 Kinoiki Street
Kapolei, HI 96707
ms.kakes@gmail.com

LATE

**TESTIMONY ON SENATE BILL NO. 2582
RELATING TO EXTENDED TERMS OF IMPRISONMENT**

I fully support this bill! My Name is La'akea Kaalouahi and I'm 13 years old, Kaulana was my Godbrother! It has been 2 years since he was killed by an inconsiderate drunk driver! I wonder how Myisha feels right now. Every night for almost 2 years I've been mourning for a reckless action that could've been prevented. I hope that she gets the punishment that she deserves! She should have accountability and own up to what she has done, and just take the punishment because she should know that she deserves it! I will never be able to see my Godbrother get married or have kids because of an obviously selfish person that doesn't really care about anyone except herself. I can connect this to a 'Olelo No'ea, "'A'ohe hana nui ke alu 'ia" which means "No task is too big when done together by all", My family and our community are taking a stand against drunk driving. This is important because if this doesn't express how annoyed we are listening to the news saying that there has been a robbery around the islands and they get sent to jail, while if you bang an innocent human being and kill them you just get handcuffed and 2 years now to just do whatever you want. I will personally continue to share with others that I am supporting the right to penalize drunk drivers that kill innocent human beings more than other crimes. Seriously, how many chances does this girl get? We have gone to court several times already. She is probably having the time of her life right now as we speak. I don't understand how they can let her go after she purposefully drove away after hitting my Godbrother. I can't believe that he is dead, I am still in a surreal state like it shouldn't be real, like I'm just having a bad dream! But No! Someone had to ruin me and my 'ohana's lives because she didn't want to pick the right path. My Godbrother will never see me graduate and take me to the beach anymore! **Please Consider this bill.**

Mahalo,
La'akea Kaalouahi
laakea2022@gmail.com

Testimony on Senate Bill No. 2582
RELATING TO EXTENDED TERMS OF IMPRISONMENT
Tuesday, February 6, 2018
9:30am
Conference Room 016
State Capitol
415 South Beretania Street

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

My name is Kehau Kaalouahi of Nanakuli, godmother of the late Kaulana Matthew Auwae Werner. **I stand before you in full support of Senate Bill No. 2582 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 Senate Bill No. 2582** 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
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Wai'anae, HI 96792
hau.lennie@gmail.com

SB-2582

Submitted on: 2/6/2018 11:54:53 AM

Testimony for JDC on 2/6/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Lynze Wakinekona		Support	No

Comments:

My name is Lynze Wakinekona and I fully support SB2582.

It has been two years since the innocent life of Kaulana Werner was cut short and ripped away from all of US... his family, friends, and community. A night that will forever be seared into my memory. A night when pain, heartache, and emptiness ripped through us all and made a home in the hearts of those who loved him. Kaulana was the sweetest individual anyone could meet. Joyful, generous, and thoughtful being some of his most prominent characteristics. He always put others first and loved everyone as if they were his own flesh and blood. Kaulana had a way of lighting up the room with his joking, playful nature and infectious smile. Kaulana had his entire future ahead of him!

Unfortunately, Kaulana's life was tragically cut short and ripped away from us all because of the careless and reckless act of drunk driving by Myisha Armitage who not only hit him but failed to stop and render aid after it all.

Everyone knows/learns that drunk driving is against the law yet it is all too common of an occurrence for people to drive while over the legal limit. The penalties for those convicted of Driving while under the Influence should be enhanced/extended. Those who break the law in such a manner as drunk driving and negligent homicide should be held responsible for their actions. My hope is that this bill, SB2582, will do just that... hold people responsible for their bad decisions and deter others from making the same mistake!

I humbly ask that you please hear my testimony and pass bill SB2582!

Mahalo.