

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

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**THE HONORABLE LORRAINE R. INOUE, CHAIR**  
**SENATE COMMITTEE ON TRANSPORTATION**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2017**  
**State of Hawai`i**

February 8, 2017

**RE: S.B. 363; RELATING TO HIGHWAY SAFETY.**

Chair Inouye, Vice-Chair Dela Cruz and members of the Senate Committee on Transportation, the Department of the Prosecuting Attorney of the City & County of Honolulu (“Department”) submits the following testimony in opposition to S.B. 363.

The purpose of S.B. 363 is to increase the fines for use of a mobile electronic device while operating a motor vehicle, from \$250 to \$750 (and from \$300 to \$900, in a school zone).

While we understand there are significant potential dangers and risks associated with this type of behavior, we do not believe that higher fines are necessarily the answer to deterring or educating the public about this. Based on our experience, we anticipate that a mandatory fine of \$750 would force a lot more cases to trial, which would add more congestion to the current voluminous caseloads at District Court, and potentially overwhelm the courts and our Department’s resources. Notably, the year after this statute—section 291C-137, Hawaii Revised Statutes—was enacted in 2013, it is our understanding that the Judiciary had to establish emergency measures to handle the influx of approximately 11,000 new “cell phone cases.”

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of S.B. 363. Thank you for the opportunity to testify on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 3:15 PM  
**To:** TRE Testimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** Submitted testimony for SB363 on Feb 8, 2017 14:00PM

**SB363**

Submitted on: 2/7/2017

Testimony for TRE on Feb 8, 2017 14:00PM in Conference Room 225

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Victor K. Ramos     | Individual          | Support                   | No                        |

Comments: The fine must be profound to have an impact. Think higher!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 6:11 AM  
**To:** TRE Testimony  
**Cc:** arbeit@hawaiiantel.net  
**Subject:** Submitted testimony for SB363 on Feb 8, 2017 14:00PM

**SB363**

Submitted on: 2/8/2017

Testimony for TRE on Feb 8, 2017 14:00PM in Conference Room 225

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Wendy Arbeit        | Individual          | Support                   | No                        |

Comments: I continue to see inattentive drivers on their cell phones and texting. Higher fines would encourage them to stop this bad behavior. As for DUI, the higher the better.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 11:08 PM  
**To:** TRE Testimony  
**Cc:** codysilva89@gmail.com  
**Subject:** Submitted testimony for SB363 on Feb 8, 2017 14:00PM

**SB363**

Submitted on: 2/8/2017

Testimony for TRE on Feb 8, 2017 14:00PM in Conference Room 225

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Cody Silva          | Individual          | Oppose                    | No                        |

Comments: This would do serious financial harm to working-class families who cannot afford to pay such an exorbitant fine. This could bankrupt those of us living paycheck to paycheck, trying to pay for basic needs, childcare, and healthcare, etc. These fines are also going to contribute to the further erosion of trust between the police department and the community. Some police have been known to intentionally entrap drivers and this will further give the impression that they are motivated to take advantage of citizens for financial gain. Please vote NO!

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