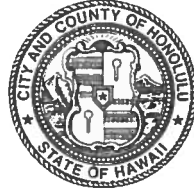


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE AP-GR

March 18, 2019

The Honorable Lorraine R. Inouye, Chair
and Members
Committee on Transportation
The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental,
and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

LATE

Dear Chairs Inouye and Nishihara and Members:

SUBJECT: House Bill No. 703, H.D. 1, Relating to Intoxicating Liquor

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 703, H.D. 1, Relating to Intoxicating Liquor. This bill involves a number of different sections relating to impaired driving.

The HPD appreciates the intent of this bill to amend the current Operating a Vehicle Under the Influence of Intoxicants (OVUII) laws using creative methods to encourage sobriety in persons convicted of OVUII. While the HPD does not have a position on the matter of creating a "restricted person" designation that would prohibit someone convicted of OVUII from purchasing alcohol, we would recommend a slight change to the bill to ensure consistency. Page 26, line 1 indicates that a person convicted of OVUII shall be sentenced, "without possibility of probation or suspension of sentence." However, Page 27, line 6, indicates that at the court's discretion, a person could be sentenced to a probation period. These two passages seem to contradict one another.

On the matter of increasing the severity of OVUII convictions by creating a "third strike" Habitually OVUII charge, the HPD is in strong support. Despite previous testimony to the contrary, most people convicted of Habitually OVUII (a Class C felony) are sentenced to short jail terms (10 to 20 days) followed by a five-year probationary period.

The HPD strongly supports the portion of the bill that requires an ignition interlock permit to be a hard plastic photograph identification card. Section 291E-62 (a)(4) of the Hawaii Revised Statutes currently requires holders of a paper ignition interlock permit to be in possession of a State

The Honorable Lorraine R. Inouye, Chair
and Members
The Honorable Clarence K. Nishihara, Chair
and Members
Page 2
March 18, 2019

of Hawaii identification card. Should this measure advance, we would request that Section 291E-62 (a)(4) be amended to allow the hard plastic photograph identification card ignition interlock permit in lieu of a State of Hawaii identification card.

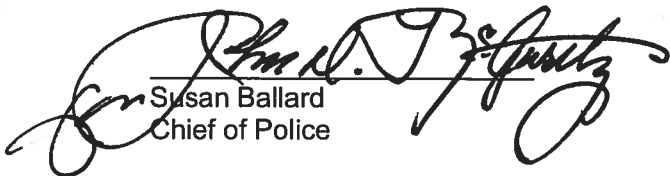
The HPD urges you to support House Bill No. 703, H.D. 1, Relating to Intoxicating Liquor, with the suggested amendments above.

Thank you for the opportunity to testify.

Sincerely,

for 
Andre Peters, Acting Captain
Traffic Division

APPROVED:


Susan Ballard
Chief of Police



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

March 18, 2019

To: Senator Lorraine R. Inouye, Chair, Senate Committee on
Transportation; Senator Breene Harimoto, Vice Chair; and members
of the Committee

Senator Clarence K. Nishihara, Chair, Senate Committee on Public
Safety, Intergovernmental and Military Affairs; Senator Glenn Wakai,
Vice Chair; and members of the Committee

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

Re: House Bill 703, HD 1 – Relating to Intoxicating Liquor

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of the intent of House Bill 703, HD1, Relating to Intoxicating Liquor.

MADD Hawaii appreciates the intention of the authors to make several changes to our current OVUII laws with the aim of reducing future highway injuries and fatalities. First, on the subject of banning the sale of liquor to individuals who have been convicted of OVUII or whose drivers' licenses have been administratively revoked due to impaired driving, our organization has no position either locally or nationally. It is MADD's policy to research issues and countermeasures and to review data before creating a position which then must be approved by the National Board of MADD. MADD does have a policy on having strong alcohol server training policies which could be strengthened in Hawaii. Strong server-training policies will reduce over-service of alcohol thereby helping to reduce first offenses as well as repeat offenses.

MADD at the National level has a *Campaign to Eliminate Drunk Driving*. One of the four key recommendations is for all states to mandate drivers' license revocation combined with ignition interlock technology as the most effective sanction for keeping impaired drivers off our roads. MADD and members of the Impaired Driving Task Force are currently working to strengthen this important countermeasure.

HB 703, HD 1 also makes the third OVUII offense a “Habitual OVUII” offense which is a Class C Felony carrying a jail term of up to five years. This would be a major change in our impaired driving statutes and we believe deserves to be carefully considered by the various Highway Safety partners who comprise the Hawaii Impaired Driving Task Force.

Other changes involving longer revocation periods, higher fines, and longer look-back periods also deserve the careful consideration of the Task Force. OVUII statutes are complicated and almost any changes need to be reviewed by law enforcement and other representatives of the criminal justice system.

Thank you for the opportunity to testify.

LATE

HB-703-HD-1

Submitted on: 3/17/2019 4:32:51 PM
Testimony for TRS on 3/18/2019 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Marcella Alohalani Boido | Individual | Oppose | No |

Comments:

Although the intent behind this bill is good, the means chosen leave a great deal to be desired. If I thought there was any chance the bill might pass with an effective date, I would go to more trouble to explain my opposition. However, I believe that MADD has already made the case for more thinking and consultation.

Let me simply say that this is not an appropriate use for a driver's licence. Additionally, allow me to note that there are many other forms of valid identification available that the State of Hawaii has no authority to mark, such as a passport or consular identification card. Some people simply drive without a license, because for any number of reasons, they cannot obtain one, or simply cannot be bothered to do so. In any case, someone who really wants to drink can ask someone else to buy their drink or liquor for them. We all know this already.

Drinking is not a crime in itself. Drinking and driving is the problem to which our laws should be addressed.

Let us wait for the recommendations of the Hawaii Impaired Driving Task Force.

Please do not pass this bill. Thank you.

Marcella Alohalani Boido, M. A.

Hawaii State Judiciary Certified Spanish/English Court Interpreter, Tier 4

Voting resident, Senate District 10, House District 21. Moili'ili, Honolulu, Hawaii 96826