



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

**LATE**

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

February 21, 2019  
9:00 A.M.  
State Capitol, Room 16

**S.B. 645  
RELATING TO THE IGNITION INTERLOCK PROGRAM.**

Senate Committee on Judiciary

---

The Department of Transportation (DOT) **supports** S.B. 645 with amendments.

The DOT agrees with the legislature that the State's ignition interlock program needs to be strengthened.

The DOT recommends replacing SECTION 2 of this bill to amend Section 291E-41, Hawaii Revised Statutes to read:

SECTION 2. Section 291E-41, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Except as provided in paragraph (5) and in section 291E-44.5, the respondent shall keep an ignition interlock device installed and operating in any vehicle the respondent operates during the revocation period. Except as provided in section 291E-5, installation and maintenance of the ignition interlock device shall be at the respondent's expense. The interlock device shall not be removed until the conditions of subsection 291E-61(l) and (m) are satisfied. The periods of administrative revocation, with respect to a license and privilege to operate a vehicle, that shall be imposed under this part are as follows:

- (1) A one year revocation of license and privilege to operate a vehicle, if the respondent's record shows no prior alcohol enforcement contact or drug enforcement contact during the five years preceding the date the notice of administrative revocation was issued;
- (2) An eighteen month revocation of license and privilege to operate a vehicle, if the respondent's record shows one prior alcohol enforcement contact or drug enforcement contact during the five years preceding the date the notice of administrative revocation was issued;
- (3) A two-year revocation of license and privilege to operate a vehicle, if the respondent's record shows two prior alcohol enforcement contacts or drug enforcement contacts during the five years preceding the date the notice of administrative revocation was issued;

- (4) A minimum of five years up to a maximum of ten years revocation of license and privilege to operate a vehicle, if the respondent's record shows three or more prior alcohol enforcement contacts or drug enforcement contacts during the ten years preceding the date the notice of administrative revocation was issued;
- (5) For respondents under the age of eighteen years who were arrested for a violation of section 291E-61 or 291E-61.5, revocation of license and privilege to operate a vehicle for the appropriate revocation period provided in paragraphs (1) to (4) or in subsection (c); provided that the respondent shall be prohibited from driving during the period preceding the respondent's eighteenth birthday and shall thereafter be subject to the ignition interlock requirement of this subsection for the balance of the revocation period; or
- (6) For respondents, other than those excepted pursuant to section 291E-44.5(c), who do not install an ignition interlock device in any vehicle the respondent operates during the revocation period, revocation of license and privilege to operate a vehicle for the period of revocation provided in paragraphs (1) to (5) or in subsection (c); provided that:
  - (A) The respondent shall be absolutely prohibited from driving during the revocation period and subject to the penalties provided by section 291E-62 if the respondent drives during the revocation period; and
  - (B) The director shall not issue an ignition interlock permit to the respondent pursuant to section 291E-44.5; and
- (7) Notwithstanding any other law to the contrary, whenever the director revokes a person's driver's license pursuant to this section, the examiner of drivers shall not grant to the person a new driver's license until the expiration of the period of revocation determined by the director or as extended pursuant to subsection 291E-61(l). After the period of revocation is completed, the person may apply for and the examiner of drivers may grant to the person a new driver's license.

Provided that than more than one administrative revocation, suspension, or conviction arises out of the same arrest, it shall be counted as only one prior alcohol enforcement contact or drug enforcement contact, whichever revocation, suspension, or conviction occurs later."

- Renumber SECTION 2 on page 2 amending 291E-61 to SECTION 3.
- Amend 291-61E(j) on page 13 to read:

"Notwithstanding any other law to the contrary, whenever a court revokes a person's driver's license pursuant to this section, the examiner of drivers shall not grant to the person a new driver's license until the expiration of the period of revocation determined by the court[-] or as extended pursuant to section (l). After the period of revocation is completed, the person may apply for and the examiner of drivers may grant to the person a new driver's license provided that the person has complied with the conditions of subsection (l) and (m) of this section.

- Amend 291E-61(l) on page 14 to read:  
The period of license restriction under subsection (b) shall be tolled for any period in which the person does not have an ignition interlock device installed in a vehicle owned or operated by the person,
  - (1) For the first offense, or any offense not preceded within a five year period by a conviction for an offense under this section or section 291E-4(a) for a continuous period of thirty days;
  - (2) For an offense that occurs within five years of a prior conviction for an offense under this section or section 291E-4(a) for a period of one hundred and eighty days;
  - (3) For an offense that occurs within five years of two prior convictions for the offenses under this section or section 291E-4(a) for a period of one year;  
unless otherwise provided by law.
  
- Amend 291E-61(o)(2) on page 17 to read:
  - (2) Be subject to testing to determine whether alcohol or a controlled substance is present in the person's body in the following manner:
    - (A) At least twice per day [~~at a central location~~], by an in-home or portable monitor and tested by the current state interlock vendor to be determined by the department of transportation, where an immediate sanction can be effectively applied [~~;-or~~].
    - ~~[(B) If testing creates a documented hardship or is geographically impractical, allow an alternative method of random alcohol monitoring and testing, approved by the department of transportation and consistent with a timely sanction].~~
  
- Renumber SECTIONS 3,4, and 5 to 4,5, and 6 accordingly.

The DOT urges you to pass S.B. 645 with the proposed amendments to have a more comprehensive compliance-based law which will strengthen the ignition interlock program.

Thank you for the opportunity to provide testimony.



February 18, 2019

The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Glenn Wakai, Vice Chair  
Committee on Judiciary (SB645) on Thursday, February 21, 2019 @ 9:00am  
Conference Room 229, 415 South Beretania Street  
Hawai'i State Capitol Honolulu, HI 96813

Re: Senate Bill 645 - Testimony in Strong Support Relating to the Ignition Interlock Program

Dear Chairman Nishihara and Vice Chair Wakai,

My name is Tara Casanova Powell. I am the Principal of Casanova Powell Consulting (CPC). I am providing testimony as a research expert in the field of impaired driving to strongly urge your support of Senate Bill 645.

I am the Principal of Casanova Powell Consulting, an independent traffic safety research consulting firm. With over 20 years of experience in the field of road safety and conducting research regarding the impaired driving population, I am considered a national expert in this regard. I have led several national and state projects involving alcohol and drug impaired driving, including a national evaluation of 28 state's ignition interlock programs, two Washington State ignition interlock offender behavior and recidivism projects, Minnesota and Colorado interlock program evaluations, an Annual National Survey of Ignition Interlocks, and a Continuous Alcohol Monitoring Recidivism study in Nebraska and Wisconsin. I have been asked to present at several state, national and international conferences including the 2017 National Conference of State Legislatures (NCSL) State Transportation Leaders Symposium in Denver, Colorado where I discussed refining ignition interlock laws and programs. I am a founding member of the Connecticut Statewide Impaired Driving Task Force, a faculty staff member for the National Center for DWI Courts (NCDC), a member of the Leadership Committee of the National Academies Transportation Research Board Alcohol and Other Drug Committee, and a member of the International Council on Alcohol Drugs and Traffic Safety where I have been appointed to the Rehabilitation Measure Working Group. I have intimate knowledge of Hawaii's impaired driving program since Hawaii was selected as a case study for a national study where I was the Principal Investigator: State Blood Alcohol Concentration (BAC) Testing and Reporting for Drivers Involved in Fatal Crashes.

Passage of Senate Bill 645 provides for the adoption of language which will strengthen and expand the current ignition interlock program whereby Senate Bill 645 will:

- grant the Department of Transportation rule-making authority;
- establish compliance-based removal provisions (180 consecutive days without violations);

Casanova Powell Consulting (CPC)  
Traffic Safety Program Design and Implementation, Evaluation, and Research

2924 Bald Eagle Bend, Virginia Beach, VA 23453 | Phone/Fax: 203.821.7657 | Mobile: 203.809.8709 |  
Email: [taracpc@outlook.com](mailto:taracpc@outlook.com) |



- establish penalties for those who fail to install an interlock including a requirement to complete a sobriety program;
- define program violations;
- allow the court the discretion to order defendants to enroll in an alcohol or substance abuse education or treatment program; and,
- require the revocation of license period be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person.

As interlock research and technology evolved over the years, reductions in recidivism were seen with varying cohorts of offenders and terms of interlock, including interlock extensions. In other words, interlock extensions were found to decrease recidivism among all levels of offense including high BAC and repeat populations of DWI offenders (of which 65 percent of impaired driving fatalities occur).

Interlock research performed by myself and my colleagues in the field has shown that interlocks can effectively monitor offenders, facilitate behavior change, and reduce recidivism rates among this population. (McCartt et. al, 2013; Casanova Powell et. al, 2015, McGinty, 2017) Compliance-based removal, or interlock extensions based on compliant performance over a specific period of time was a strong recommendation as a result of my “Evaluation of State Ignition Interlock Programs: Interlock Use Analyses From 28 States” study (Casanova et. al, 2015).

Furthermore, a recent study conducted by Voas et al., (2016), examined the effects of treatment and supervision in combination with interlock use. Results showed that those participants in the treatment group experienced 32 percent reduction in recidivism during the 30 months following the removal of the interlock. The Voas study validates the use of ignition interlock paired with treatment as a viable tool to facilitate behavior change. As a result, public perceptions regarding the interlock device as a useful tool to monitor the impaired driving population (including those of judges and court staff), have changed over the years. This research also supports the DWI court model where required interlock use and term extension for confirmed alcohol interlock violations are standard practice.

In conclusion, I ask you to support Senate Bill 645 to better ensure the safety of the citizens of Hawai'i. Please contact me with any additional questions you may have.

Respectfully Yours,

A handwritten signature in black ink that reads 'Tara Casanova Powell'. The signature is written in a cursive, flowing style.

Tara Casanova Powell  
Principal

Casanova Powell Consulting (CPC)  
Traffic Safety Program Design and Implementation, Evaluation, and Research

2924 Bald Eagle Bend, Virginia Beach, VA 23453 | Phone/Fax: 203.821.7657 | Mobile: 203.809.8709 |  
Email: [taracpc@outlook.com](mailto:taracpc@outlook.com) |



February 18, 2019

Senator Karl Rhoads, Chair  
Hawai'i State Capitol Honolulu, HI 96813

RE: Testimony in support of SB 645, relating to the ignition interlock program

Senator Karl Rhoads and Committee Members:

My name is Bill Mickelson , I represent the National 24/7 Advisory Council, an organization that was formed to support and advocate for evidence based 24/7 sobriety programs. While ignition interlock devices are not a central component to the 24/7 program we believe that they provide preventative attributes that a 24/7 program cannot provide. Namely, ignition interlocks will keep an offender from driving drunk if each vehicle that they have access to, has an ignition interlock device installed. As we believe that a 24/7 sobriety program offers attributes that an ignition interlock program does not, we firmly believe that the language offered in SB 645 is an important component to a State's successful driving under the influence countermeasures effort.

If, both impacting long-term recidivism and increasing IID participation is a goal of the State I would also suggest that including language that would allow a 24/7 sobriety program to be considered as part of your State's effort to combat DUIs, when the offender claims that they will not be driving in the future. Requiring the offender to participate in a program proven to impact short and long term recidivism by itself is impactful, but an offender faced with a decision to comply with the Ignition Interlock requirement or the more intensive 24/7 monitoring program, will likely choose to comply with the ignition interlock option.

In any event, I support SB 645, relating to the ignition interlock program.

Bill Mickelson,

Chairman  
National 24/7 Advisory Council

**WRITTEN TESTIMONY**  
CHAIR OF THE SENATE COMMITTEE ON JUDICIARY  
**SENATE BILL 645**  
THURSDAY, FEBRUARY 21, 2019  
SENATE CONFERENCE ROOM 16, STATE CAPITOL, 415 SOUTH BERETANIA STREET

Good afternoon Chairman Rhoads and distinguished members of the committee, thank you for the opportunity for submitting written testimony in support Senate Bill 645. My name is Erin Holmes. I am the Director of Traffic Safety at the Foundation for Advancing Alcohol Responsibility (Responsibility.org). Prior to joining the Foundation in September of 2014, I was a Research Scientist at the Traffic Injury Research Foundation (TIRF). During my tenure at TIRF, I published more than 40 reports, evaluations, and articles and delivered in excess of 50 presentations internationally on impaired driving, justice system improvements, alcohol monitoring technologies, risk assessment, and drug policy. Ignition interlocks are my primary area of expertise. I have provided The National Highway Traffic Safety Administration (NHTSA)-funded training and technical assistance to more than 20 states, including Maryland, to improve the delivery of their interlock programs. Moreover, I was involved in the planning and implementation of an international symposia series on interlocks and developed the content for the Alcohol Interlock Curriculum for Practitioners ([www.aic.tirf.ca](http://www.aic.tirf.ca)).

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Edrington; Mast-Jägermeister US, Inc.; and Pernod Ricard USA. For more than 25 years, Responsibility.org has brought individuals, families, and communities together to guide a lifetime of conversations around alcohol responsibility and offers proven strategies to stop impaired driving. To learn more, visit [www.responsibility.org](http://www.responsibility.org).

Responsibility.org supports the mandatory and effective use of ignition interlocks for all convicted DUI offenders as part of a comprehensive approach to eliminating drunk driving. **Senate Bill 645** seeks to strengthen Hawaii's existing interlock program by giving the Department of Transportation rule-making authority, establishing compliance-based removal provisions (180 consecutive days without violations), establishing penalties for those who fail to install an interlock including a requirement to complete a sobriety program, defining program violations, and affording the court the discretion to order defendants to enroll in an alcohol or substance abuse education or treatment program. Furthermore, SB 645 requires the revocation of license period be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person. If passed, this legislation will reduce instances of drunk driving and increase offender accountability. Given the life-saving potential of this technology and the potential of this legislation to align Hawaii with some of the strongest interlock programs in the country, we urge all legislators to vote yes on **SB 645**.

Evidence shows interlocks are highly effective in preventing alcohol-impaired driving for both repeat and first-time DUI offenders while they are installed.

- More than 10 evaluations of interlock programs have reported reductions in recidivism ranging from 35-90% with an average reduction of 64% (Willis et al., 2004).
- A study commissioned by the Centers for Disease Control and Prevention (CDC) that involved a systematic review of 15 peer-reviewed studies revealed that, while interlocks were installed, the re-arrest rate of offenders decreased by a median of 67% compared to groups who never had an interlock installed (Elder et al., 2011).
- A study of New Mexico's interlock program (Marques et al., 2010) examined the recidivism rate of first offenders arrested for aggravated DUI. This research found that offenders who participated in the program

had a 61% lower recidivism rate while the device was installed and a 39% lower recidivism rate following the removal of the interlock when compared to offenders who never installed the device.

**Simply put, the passage of interlock laws saves lives.** A study by Kaufman and Wiebe (2016) examined the impact that the passage of all offender interlock laws have on alcohol-involved crashes (defined as any crash involving at least one driver who had a blood alcohol concentration above .00) in 18 states. The authors found that requiring all drivers convicted of DUI to install an interlock was associated with a 15% reduction in the rate of alcohol-involved crash deaths; this translates into an **estimated 915 lives saved**. A more recent examination of the effects of state interlock laws on alcohol-involved fatal crashes in the U.S. found that interlocks may reduce the occurrence of these crashes (McGinty et al., 2017). State laws that require interlocks for all DUI offenders were associated with a 7% decrease in the rate of fatal crashes involving a driver above the legal limit (.08) and an 8% decrease in the rate of fatal crashes involving a high-BAC (.15>) driver. This translates into an **estimated 1,250 prevented fatal crashes** involving a drunk driver.

This strong convergence of scientific evidence has led to substantial growth in interlock programs within the last decade, along with a shift toward mandatory interlock laws for all DUI offenders. At present, all 50 states have passed some form of interlock legislation and achieved different degrees of program implementation. A total of 32 states and the District of Columbia have passed all offender interlock laws; 28 of these jurisdictions require mandatory installation.

Interlock programs however, should not exist in isolation. This technology is most effective when utilized in conjunction with assessment, treatment, and supervision. It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DUI offenders in tandem with an interlock sanction to identify those offenders who have issues that must be treated. Research shows that repeat DUI offenders often suffer from multiple disorders. In one study, in addition to a lifetime alcohol disorder, 41% of the participants had a drug-related disorder and 45% had a major mental health disorder that was not alcohol or drug-related (Shaffer et al., 2007). Absent the identification and treatment of substance use and co-occurring disorders, long-term behavior change is unlikely for these offenders. In order to prevent future instances of drunk driving, and subsequently, save lives, the underlying causes of DUI offending (such as substance misuse or mental health issues) must be addressed. The addition of a strong treatment component to Hawaii's program has the potential to change the behavior of impaired drivers in the long-term.

One option that treatment providers might consider is a new screening/assessment instrument. Responsibility.org and the Division on Addiction at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, launched the [Computerized Assessment and Referral System](#), (CARS). This revolutionary screening and assessment instrument generates immediate diagnostic reports that contain information about an offender's mental health and substance use issues, a summary of risk factors, and provides referrals to nearby treatment services. CARS is available for **free** download at <http://www.carstrainingcenter.org>. We hope this resource will help states better identify, sentence, supervise, and treat high-risk impaired drivers.

In conclusion, Responsibility.org believes that strong laws enabling swift identification, certain punishment, and effective treatment are fundamental elements necessary to reduce the incidence of drunk driving. Responsibility.org further believes that these elements must be coordinated into a statewide system in order to be effective. If there is anything that Responsibility.org can do to strengthen your efforts, please contact Erin Holmes, Director of Traffic Safety at (202) 445-0334 or [erin.holmes@responsibility.org](mailto:erin.holmes@responsibility.org).

Thank you.





The knowledge source for safe driving

February 19, 2019

The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Glenn Wakai, Vice Chair  
Committee on Judiciary  
Conference Room 016, 415 Beretania Street  
Hawai'i State Capitol Honolulu, HI 96813

**RE: SB 645 relating to the ignition interlock program**

**Senate Committee on Judiciary (SB645) on Thursday, February 21, 2019 @ 9:00am**

Ladies and Gentlemen,

The Traffic Injury Research Foundation (TIRF; [www.tirf.ca](http://www.tirf.ca)) strongly urges you to support and advance SB 645, which closes loopholes in the drunk driving law and improves compliance with the state's lifesaving ignition interlock law.

TIRF is an independent, scientific research institute, based in Canada, with a separate US office. We operate as a registered charity in Canada, and our US office is a registered 501(c)3. We receive funding from governments through research project contracts as well as from associations and industry. We have consulted with governments around the world (including the Netherlands, Australia, United Kingdom, Belgium, Norway and France in addition to the US and Canada) about drunk driving and alcohol ignition interlock programs. The Association of Ignition Interlock Program Administrators (AIIPA) in the US hires TIRF to provide strategic advice to AIIPA. During the past ten years, we have delivered technical assistance to improve the implementation and delivery of interlock programs and other drunk driving countermeasures in more than 40 states in the US with funding from the National Highway Traffic Safety Administration (NHTSA) through a cooperative agreement.

As part of this technical assistance, TIRF reviewed Hawaii's Alcohol Interlock Program in May 2014 and concluded with a written report. The report identified some of Hawaii's biggest challenges and offered suggested solutions. Challenges included:

- > Offenders who are eligible for the interlock program often choose to wait out the hard revocation instead of enrolling in the interlock program;
- > There is a lack of agency authority to hold offenders accountable for non-compliance with interlock program rules; and,
- > Offenders in the interlock program who continue unsafe driving behaviors can not necessarily be kept in the program, thereby reducing possibilities to prevent future offending.

Traffic Injury  
Research Foundation  
171 Nepean St., Suite 200  
Ottawa, Ontario  
Canada K2P 0B4

[www.tirf.ca](http://www.tirf.ca)  
T: 613-238-5235  
F: 613-238-5292  
Toll free: 877-238-5235

Registered Charity No. 10813 5641 RR0001

We believe that SB 645 would effectively address these identified challenges by the following stipulations contained in it:

- > No longer allowing offenders to wait out the hard revocation period, but rather ensuring that drivers ordered to use an interlock have no other choice but to actually install the device before they can obtain an unrestricted license;
- > Provide the authority for the Department of Transportation to adopt and promulgate rules, notably in relation to non-compliance; and,
- > Implement a compliance-based removal system whereby offenders must prove compliance with ignition interlock program rules before their device will be removed. This approach requires that drunk drivers using an interlock must have a certain period of no recordable violations before the device is removed. This system is already law in 28 states and has become an effective way to teach sober driving.

In conclusion, we believe that SB 645 addresses existing challenges in the current drunk driving law. The new law proposes proven best practices to overcome these challenges. We therefore urge you to support and advance SB 645. We sincerely hope that the information we have provided will help to make this decision but remain available, should you require more information.

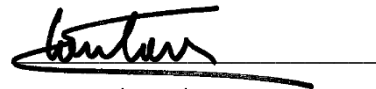
Please do not hesitate to contact us if you have follow-up questions about our letter.

Sincerely,



Robyn Robertson  
President and CEO  
TIRF

Secretary of the Board  
TIRF USA, Inc.



Dr. Ward Vanlaar  
COO  
TIRF



900 FORT ST. MALL, SUITE 1620 • HONOLULU, HI 96813  
1-800-880-3394 • 808-695-2416 • SMARTSTARTINC.COM  
FAX 808-695-2316

February 21, 2019

To: Senator Karl Rhoads, Chair; Senate Committee on Judiciary; Vice Chair Glenn Wakai; and members of the committee

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

Re: Senate Bill 645- Testimony in Strong Support Relating to the Ignition Interlock Program

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering testimony in strong support of Senate Bill 645 Relating to The Ignition Interlock Program.

The only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. A consequence for trying to drive drunk on an interlock is not incarceration, but rather a parked vehicle that will not start until the driver sobers up. As you are most likely aware, ignition interlocks prevent a drunk driver from operating a motor vehicle if their breath alcohol concentration (BrAC) exceeds a set point (typically .020). Drivers must provide a breath sample by blowing into an ignition interlock device before starting their car. If the driver's BrAC is over the set point, the vehicle will not start. SB 645 will make interlock users prove compliance and demonstrate they are able to drive sober before removing the device. For drunk drivers using an

interlock, they must have a certain period of no recordable violations before removal, known as compliance-based removal and is law in 28 states. Interlock compliance- based removal laws are important in teaching sober driving behavior.

According to the American Association of Motor Vehicle Administrators (AAMVA), Ignition Interlock Best Practice Guide for Ignition Interlocks called on states to have compliance-based removal for people on an ignition interlock. Currently, OVUII offenders in Hawaii merely have their interlock removed when it is time for end of program, whether they have proved sobriety to drive or not. This legislation will boost interlock implementation. One of the biggest challenges facing Hawaii's interlock program is eligible OVUII offenders wait out the revocation period and do not install an interlock, many choosing to drive unlicensed and not interlocked.

Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes. OVUII offenders should be made to comply with the requirements to install an interlock device *before* their driving privileges are restored. They should not be given the choice of waiting out the revocation period without ever installing an interlock. This is a dangerous situation as research provides that suspending licenses by itself is not a deterrent, 50 – 75% of DUI offenders continue to drive on suspended licensees.

In conclusion, we strongly urge you to pass SB 645 as it will help strengthen Hawaii's Ignition Interlock laws which is critically important to help save lives and keep Hawaii roads safe.

Thank you for the opportunity to provide testimony in support of this important bill.

**SB-645**

Submitted on: 2/19/2019 10:21:07 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



**LATE**

Subject: Support HB645

Dear Chair Rhoads, Vice Chair Wakai, and members of the Senate Committee on Judiciary,

My name is Kari Benes and I am the Chair of the Hawaii Strategic Highway Safety Plan (SHSP). The Strategic Highway Safety Plan Core Committee has identified “enhancing the ignition interlock program” a priority for 2019.

2008-2017 FARS data reveals Hawaii as being above the national average for alcohol-impaired driving fatalities for the entire decade. We currently rank the 5<sup>th</sup> worst in the nation for the percentage of alcohol-impaired driving fatalities.<sup>1</sup> It’s important that Hawaii treats impaired driving seriously, by enhancing a system shown to separate problem drinking behavior from our roadways.

HB645 applies what 28 states across the US do with their ignition interlock programs, which is to have a compliance-based removal as a condition of their program.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan, go to [www.hawaiiishsp.com](http://www.hawaiiishsp.com)

Strategic Highway Safety Plan Mission

*Save lives and reduce injuries on Hawaii’s roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*

---

<sup>1</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

**LATE**

Senate Committee on Judiciary

Regular Session of 2019  
State of Hawaii  
31<sup>st</sup> Legislature  
February 21, 2019

**RE: SB645; Relating to the Ignition Interlock Program**

My name is Nahelani Webster and I am here to testify in **opposition** as currently drafted, **requesting the following proposed amendment** to SB645.

SB645 establishes the creation of a sobriety and drug-monitoring program as a condition of release for those arrested for OVUII. The program suggests that OVUII offenders provide breath samples two times each day. Breath tests approximately 12 hours apart creates a gap in testing during which people can drink above a .08 BAC and then drive, committing another offense.

We strongly support the intent to prevent people from operating a vehicle under the influence of an intoxicant. However, we oppose the current language in this bill regarding the sobriety program, as we feel it is not the most effective method to monitor alcohol consumption and there is already a method addressed in *Hawaii Revised Statutes ("HRS") 291E-6.5, Continuous alcohol monitoring device; requirement; penalties.*

In 2017, a bill was passed (2017 Act 201) that allows the judiciary to order repeat OVUII offenders to sobriety, monitored by a Continuous Alcohol Monitoring device that continually tests for alcohol consumption. The Continuous Alcohol Monitoring bracelet tests for alcohol consumption 48 times per day, not allowing for any gaps in testing. If a person drinks, it will be detected.

Although the Continuous Alcohol Monitoring device does not stop the car from driving, it does deter the behavior of drinking. Nationally, **99.3% of SCRAM days are Sober Days,**

meaning there are no confirmed drinking or circumvention events. Thus, when people are sober, they are not committing the crime of OVUII.

There is published research to support the aforementioned data. A study conducted by the National Center for State Courts examined the effects of SCRAM bracelets on criminal recidivism. The researchers found that **only 3% of offenders on SCRAM recidivated while they were wearing the device**, and repeat DUI offenders who were put on SCRAM for at least 90 days recidivated at half the rate as those not placed on SCRAM (10% vs. 21%,  $p < .05$ ).<sup>1</sup>

SB645 is duplicative to current statute, and therefore unnecessary. However, in appreciation of continuing this measure for further discussion we respectfully request the committee to consider amending the bill to reflect the following language:

**Page 17, delete lines 4 – 12, and replace with the following:**

**(A) Continuously via a transdermal alcohol monitoring device and/or a transdermal drug.**

Thank you for the opportunity to testify please let me know if you have questions.

---

<sup>1</sup> Flango, V. E., & Cheesman, F. L. (2009). The effectiveness of the SCRAM alcohol monitoring device: A preliminary test. *Drug Court Review*, 6(2), 109–134.



**LATE**

**SB-645**

Submitted on: 2/20/2019 1:20:54 PM  
Testimony for JDC on 2/21/2019 9:00:00 AM

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

Comments:

My name is Jeanelle Miller. I am a law student and mother of two.

I am writing in support of SB645.

I have a dear friend who has a driving problem.

He is a cheery and charming fellow who loves to be social and be out on the town. He is a joy to have at any event and people who meet him feel like they have met a life-long family friend. But he also likes to drink, and then he drives.

At one point he got a DUI and had an ignition interlock installed on his vehicle. Many of our friends breathed a sigh of relief. But our friend continued to attempt to drive drunk and in time the interlock was removed despite his unchanged behavior.

We all dearly love our friend, but we are waiting for the day when we receive a call that he has been in a terminal accident, or has injured another while driving drunk.

Stories like his could be simply addressed by passing SB645.

Preventing drunk driving is only the first step. SB645 takes the steps after to make sure drivers are changing their behavior to keep themselves and others safe.

I therefor encourage the committee to please support my friend and the safety of the people of Hawaii by passing SB645.

Mahalo