

Honolulu, Hawaii
, 2020

FEB 28

RE: H.B. No. 2173
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2173, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IGNITION INTERLOCK DEVICES,"

begs leave to report as follows:

The purpose of this measure is to reduce incidents of driving under the influence of an intoxicant by:

- (1) Specifying that if a person convicted of the offenses of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant is sentenced to a term of imprisonment, the term of imprisonment must be served consecutively;
- (2) Specifying that a person who has an ignition interlock permit must also carry government-issued identification with the person;
- (3) Extending the lookback period for provisions relating to ignition interlock requirements from five to ten years;
- (4) Making it a crime for a person who is restricted to driving a vehicle equipped with an ignition interlock device to knowingly obscure a camera lens associated with an ignition interlock device; and



- (5) Granting courts greater flexibility by providing that if, within ten years, a person has two or more prior convictions for the offenses of:
- (A) Operating a vehicle after the person's license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant;
 - (B) Circumvention of, or tampering with, an ignition interlock device by a person who has been restricted to operating a vehicle equipped with an ignition interlock device; or
 - (C) Certain older offenses,
- one of the penalties to which the offender must be sentenced is between six months to one year of imprisonment.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Smart Start LLC. Your Committee received comments on this measure from the Department of Transportation, Office of the Public Defender, and Mothers Against Drunk Driving Hawaii.

Your Committee finds that one way to stop an intoxicated driver from continuing to drive while intoxicated is to strengthen the laws relating to ignition interlock devices. This measure seeks to close loopholes in existing laws identified by the Department of Transportation's Hawaii Drug and Alcohol Intoxicated Driving Working Group.

Your Committee notes that concerns were raised in testimony about the severity of the mandatory minimum sentencing provisions in the existing law prohibiting operation of a vehicle by an individual whose license has been suspended or revoked due to operating a vehicle under the influence of an intoxicant.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your



Committee is in accord with the intent and purpose of H.B. No. 2173, H.D. 1, and recommends that it pass Third Reading.

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



CHRIS LEE, Chair



