

Honolulu, Hawaii

FEB 14, 2020

RE: H.B. No. 2174
H.D. 2

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. 2174, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Define "highly intoxicated driver";
- (2) Provide the evidentiary standard for establishing that a person was a "highly intoxicated driver";
- (3) Require that ignition interlock devices be installed and maintained on one or more vehicles registered to and all vehicles operated by anyone convicted of operating a vehicle under the influence of an intoxicant, during the applicable period of license revocation;
- (4) Increase the license revocation period ordered by the Administrative Driver's License Revocation Office and extend the applicable lookback periods from five to ten years;



- (5) Establish higher penalties for a highly intoxicated driver operating a vehicle; and
- (6) Amend the penalties for offenses of operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation; City and County of Honolulu Department of the Prosecuting Attorney; County of Kauai Office of the Prosecuting Attorney; Honolulu Police Department; Smart Start LLC, Hawaii Corporate Office; Maui Metropolitan Planning Organization; Mothers Against Drunk Driving Hawaii; AAA Hawaii; and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from one individual.

Your Committee finds that this measure is a product of the collaborative effort by the Department of Transportation's Hawaii Drug and Alcohol Intoxicated Driving Working Group, Hawaii Association of Criminal Defense Lawyers, and Office of the Public Defender to address Hawaii's increasing number of traffic fatalities involving alcohol and drugs. Your Committee further finds that highly intoxicated drivers who are convicted of habitually operating a vehicle under the influence of an intoxicant should be subject to harsher penalties.

Accordingly, your Committee has amended this measure by:

- (1) Making it a class B felony and imposing harsher sentencing requirements for any highly intoxicated driver who is convicted of habitually operating a vehicle under the influence of an intoxicant and removing language imposing a higher penalty for offenses within a ten year period;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 2174, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2174, H.D. 2.

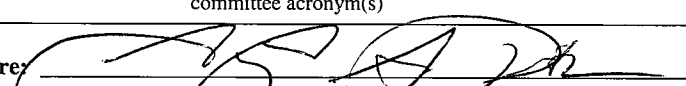
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

| Bill/Resolution No.: HB 2174 HD1 | Committee Referral: TRN, JUD, FIN | Date: 2/13/20 | | |
|---|--------------------------------------|------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JUD Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. LEE, Chris (C) | / | | | |
| 2. SAN BUENAVENTURA, Joy A. (VC) | / | | | |
| 3. BROWER, Tom | / | | | |
| 4. CREAGAN, Richard P. | / | | | |
| 5. LOWEN, Nicole E. | / | | | |
| 6. McKELVEY, Angus L.K. | / | | | |
| 7. NAKASHIMA, Mark M. | | | | / |
| 8. PERRUSO, Amy A. | / | | | |
| 9. SAY, Calvin K.Y. | / | | | |
| 10. TAKAYAMA, Gregg | / | | | |
| 11. YAMANE, Ryan I. | / | | | |
| 12. THIELEN, Cynthia | / | | | |
| TOTAL (12) | 11 | | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature:  | | | | |
| Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO | | | | |