

STAND. COM. REP. NO. **2825**

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2330
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Transportation and Public Safety,
Intergovernmental, and Military Affairs, to which was referred
S.B. No. 2330 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to strengthen
Hawaii's laws regarding operating a vehicle under the influence of
an intoxicant by:

- (1) Establishing penalties for and defining "highly
intoxicated operator";
- (2) Increasing license revocation periods and lookback
periods for offenses of operating a vehicle under the
influence of an intoxicant; and
- (3) Increasing penalties for repeat offenders, habitual
offenders, and persons driving on a suspended or revoked
license for offenses of operating a vehicle under the
influence of an intoxicant.

Your Committees received testimony in support of this measure
from the Department of Transportation; Honolulu Police Department;
Department of the Prosecuting Attorney, City and County of



Honolulu; Office of the Prosecuting Attorney, County of Hawaii; Mothers Against Drunk Driving; Smart Start; and one individual. Your Committees received testimony in opposition to this measure from the Office of the Public Defender.

Your Committees find that the habitual "highly intoxicated driver," or someone who has been arrested and convicted many times over, poses a substantial risk to others on the road. Despite their repeated arrests and convictions, these drivers continue to drink and drive. Your Committees have heard testimony from the Department of Transportation expressing concern that these drivers will eventually be involved in a collision resulting in someone's death.

Your Committees further find that during 2015-2019, police arrested an average of 6,030 drivers for operating a vehicle under the influence of an intoxicant per year. An average 1,664 of those 6,030 drivers who were arrested and tested, had blood alcohol concentration of 0.150 and higher. In addition, the average blood alcohol concentration during 2015-2019 was 0.162, more than double the legal limit. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committees note that H.B. No. 2174, H.D. 1 (Regular Session of 2020), is a substantially similar measure that also amends current laws regarding operating a vehicle under the influence of an intoxicant. Your Committees conclude that the language in H.B. No. 2174, H.D. 1, which was submitted as a proposed S.D. 1 via the testimony of the Department of the Prosecuting Attorney for the City and County of Honolulu, is preferable, as it was produced as a collaborative effort that included the input from the Department of Transportation's Hawaii Drug and Alcohol Intoxicated Driving Working Group (comprised of members including the county police and prosecutors, Mothers Against Drunk Driving, and the Department of Health), Hawaii Association of Criminal Defense Lawyers, and the Office of the Public Defender.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of the proposed S.D. 1 provided by the Department of the



Prosecuting Attorney, City and County of Honolulu, which was introduced as H.B. No. 2174, H.D. 1, a substantially similar measure, which:

- (A) Defines the term "highly intoxicated driver";
 - (B) Establishes higher penalties for operating a vehicle under the influence of an intoxicant as a "highly intoxicated driver";
 - (C) Increases license revocation periods ordered by the Administrative Driver's License Revocation Office, and applicable lookback periods;
 - (D) Requires 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 their applicable period of license revocation; and
 - (E) Establishes higher penalties for repeatedly operating a vehicle under the influence of an intoxicant offenders and habitual operating a vehicle under the influence of an intoxicant offenders; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

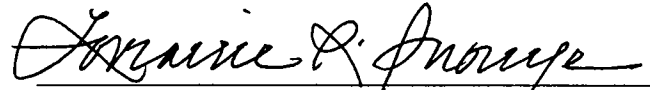
As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2330, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2330, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



LORRAINE R. INOUE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:* SB2330	Committee Referral: TRS/PSM, JDC	Date: 2/7/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)	✓			
ENGLISH, J. Kalani				✓
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Breene Harmit</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

