

Honolulu, Hawaii

APR 22 2021

RE: S.B. No. 412
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 412, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify implied consent law to make an exception for giving a breath, blood, or urine test pursuant to a search warrant or any other basis permissible under the Constitution of the State of Hawaii and state law; and
- (2) Exclude habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of guilty plea or nolo contendere plea.



Your Committee on Conference finds that each person is typically allowed only one deferred plea in their lifetime, and that it is an opportunity for the person to show the court that they have learned their lesson and are unlikely to reoffend in the future. Your Committee on Conference further finds that because of the repeat nature of the offense and the potential for serious harm to others, offenders who habitually operate a vehicle under the influence of an intoxicant should not be eligible for deferred pleas.

Your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 412, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 412, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SCOT Z. MATSUMOSHI
Co-Chair



KARL RHOADS
Chair



LISA MARTEN
Co-Chair



Hawai'i State Legislature

CLR 25

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 412, HD 1	Date/Time: <i>4/20/21 3:25 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				MATAYOSHI, Scot Z., Co-Chr.	✓			
LEE, Chris	✓				MARTEN, Lisa, Co-Chr.	✓			
FEVELLA, Kurt	✓				WARD, Gene	✓			
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>0</i>	TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>0</i>

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>Karl Rhoads</i>	House Lead Chair's or Designee's Signature: <i>[Signature]</i>
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