

STAND. COM. REP. NO. 411

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 765  
S.D. 1

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

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 765 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 and intent 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) Establish higher 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 the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, Maui Police Department, MADD Hawaii, Hawaii Strategic Highways Safety Plan Core Committee, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Malolo Charters, and one individual.

Your Committee finds 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 drive while intoxicated. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 765, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 765, S.D. 1, and be referred to your Committee on Judiciary.

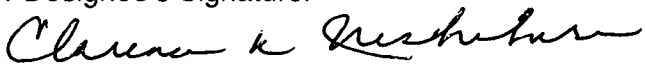
Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

  
CLARENCE K. NISHIHARA, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <i>SB 1765</i>	Committee Referral: <i>PSM, JDC</i>	Date: <i>Feb. 16, 2021</i>		
<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
NISHIHARA, Clarence K. (C)	/			
ENGLISH, J. Kalani (VC)	/			
BAKER, Rosalyn H.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<i>5</i>	<i>-</i>	<i>-</i>	<i>-</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes