

STAND. COM. REP. NO. 1876-22

Honolulu, Hawaii

APR 07 , 2022

RE: S.B. No. 3165
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3165, S.D. 2, 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) Amend the driver's license revocation period for first time offenders convicted of operating a vehicle under the influence of an intoxicant to not less than one year and not more than eighteen months;
- (2) Allow for the early termination of a driver's license revocation period for first time offenders convicted of operating a vehicle under the influence of an intoxicant; and
- (3) Require the maximum driver's license revocation period for people who are convicted of operating a vehicle under the influence of an intoxicant and do not own or have a vehicle or are unable to drive.

2022-2735 SB3165 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Prior to decision making on this measure, your Committee posted and made available for public review a proposed H.D. 1, which amends this measure by:

- (1) Requiring any person operating a vehicle with an ignition interlock device to have government-issued identification in their immediate possession;
- (2) Amending the lookback period and sentencing requirements for violations of operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant;
- (3) Amending the offense of circumventing or tampering with an ignition interlock device to:
 - (A) List possible violations, including obscuring the camera lens or failing to provide a picture of the driver; and
 - (B) Extend the lookback period; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee received testimony in support of the proposed H.D. 1 from the Department of the Prosecuting Attorney of the City and County of Honolulu, Mothers Against Drunk Driving Hawaii Advisory Board, and Smart Start LLC. Your Committee received testimony in opposition to the proposed H.D. 1 from the Office of the Public Defender. Your Committee received comments on the proposed H.D. 1 from the Judiciary.

Your Committee finds that an ignition interlock device is often the first line of defense in preventing a person who is under the influence of an intoxicant from operating a vehicle. Your Committee believes that incentivizing the use of ignition interlock devices and strengthening related offenses will help



reduce the number of intoxicated drivers on the road, making Hawaii's roads safer for everyone.

Accordingly, your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- (1) Clarifying that an offense must be based on the same incident, rather than the same conduct, when a person is sentenced to consecutive terms of imprisonment for:
 - (A) Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant; and
 - (B) Operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

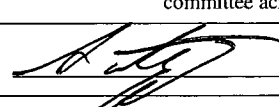
As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3165, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3165, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 3165, SD2	Committee Referral: JHA	Date: 4-4-22		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.			✓	
5. LoPRESTI, Matthew S.		✓		
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	9	1	1	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				