

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**THE HONORABLE DONOVAN DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS**

**Thirty-First State Legislature
Regular Session of 2022
State of Hawai'i**

April 7, 2022

RE: H.B. 2336, H.D. 2, S.D. 1; RELATING TO THE PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS PROGRAM.

Chair Rhoads, Chair Dela Cruz, Vice Chair Keohokalole, Vice Chair Keith-Agaran, members of the Senate Committee on Judiciary, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of H.B. 2336, H.D. 2, S.D. 1, **with suggested amendments**. The purpose of this bill is to clarify various statutes related to the Red Light Imaging Detector Systems pilot program, and adjust funding and applicable dates to correlate with the pilot program’s current timeline.

In 2019, the Department participated in a multi-agency red light running committee, convened by the State Department of Transportation – Highways Safety Division (“DOT”), pursuant to Act 131 (2019). Since that time, the Department has worked diligently with committee members, to anticipate any legal or procedural challenges, and prepare for its participation in the upcoming pilot program, which is scheduled to begin operating later this year.

The Department appreciates DOT’s leadership on this project, and believes that all changes proposed in H.B. 2336, H.D. 2, S.D. 1, will help to clarify the Legislature’s intent for the pilot program. In addition, this bill would provide necessary adjustments to various dates and funding provisions, allowing DOT to fund the anticipated influx of work to be handled by the Department.

To further improve consistency between statutes, within Hawaii Revised Statutes (“HRS”), Chapter 291J, Photo Red Light Imaging Detector Systems, the Department suggests the following amendments to Section 2 of H.B. 2336, H.D. 2, S.D. 1 (bolded and highlighted):

Page 9, lines 1-11 (HRS §291J-1, Definitions): "'Photo red light imaging detector" or "photo red light imaging detector system" means a device, or combination of devices, used for traffic enforcement ~~pursuant~~ **relevant** to section 291C-32(c), that includes a vehicle sensor ~~[that—works]~~ **working** in conjunction **with** and **in** synchronization with a traffic-control signal and a camera ~~[synchronized]~~, to automatically **produce and** record one or more sequenced photographs, microphotographs, **video** or ~~electronic images~~ **other recorded images** of the rear of the motor vehicle and motor vehicle license plate, at the time the motor vehicle fails to stop when facing a steady red traffic-control signal ~~[in violation of section 291C-32(e)].~~"

In addition, new Sections may need to be added to the bill, should the Committees decide to adopt the following suggested amendments:

HRS 291J-5(c) Photo red light imaging detector systems: A certificate, sworn to or affirmed by the reviewing police department, or a facsimile thereof, based upon inspection of photographs, microphotographs, video ~~tape~~, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, video ~~tape~~, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.

HRS 291J-6(b) Summons or citation: The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid within the laws of the State; provided that any summons or citation **issued** pursuant to the photo red light imaging detector systems program shall contain a clear and unobstructed ~~photographic, digital, or other visual~~ image of the motor vehicle license plate, which shall be used as evidence of the violation

HRS 291J-6(d) Summons or citation: Prior to the mailing of the summons or citation for a traffic infraction pursuant to subsection (a), the applicable county police department shall review and verify the ~~validity of the~~ clear and unobstructed ~~photographic, digital, or other visual~~ image of the license plate of the motor vehicle required under section 291J-6(b).

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of H.B. 2336, H.D. 2, S.D. 1, **with suggested amendments**. Thank you for the opportunity to testify on this matter.

HB-2336-SD-1

Submitted on: 4/4/2022 9:02:30 PM

Testimony for JDC on 4/7/2022 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
L Basha	Individual	Support	Written Testimony Only

Comments:

Support: The upgrade of these traffic systems will save lives and improve the quality of life on our roads.



HB-2336-SD-1

Submitted on: 4/6/2022 1:27:40 PM

Testimony for JDC on 4/7/2022 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Mahalo JDC and WAM Committees for hearing this bill to make minor clarifying amendments to the red light camera law (Act 30 (2020) codified in HRS291-J and HRS291-C.

These amendments improve the law for public understanding and implementation.

I support the amendments. One makes it clear that yellow light timing will be determined by engineering standards and will not be shortened. Yellow means prepare to stop safely; it doesn't mean to speed up.

The Prosecutors and DOT have proposed amendments to make uniform the references to video evidence throughout HRS291-J. The amendments make clear, as originally intended in Act 30 (2020), that video camera images will be taken and used as part of the program.

Rear-facing video evidence of the vehicle and license plate is taken approximately 12 seconds before and after a vehicle runs a red light. The video evidence shows the vehicle running a light that was clearly red prior to entering the intersection. Videos and photographs are not used when vehicles do not run red lights.

Video also may show other circumstances that may justify when a red light was run because of police, fire, emergency, funeral, or other allowable actions. If such circumstances are shown, the procedure is for no ticket to be sent to the registered owner.

Thank you for amending HB2336 to improve the red light camera law. The cameras will reduce red light running and related crashes, injuries, and deaths.

HB-2336-SD-1

Submitted on: 4/4/2022 9:20:40 PM

Testimony for JDC on 4/7/2022 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

The people of Hawaii are against this method of stealing money from the people in the Name of Law enforcement!!!

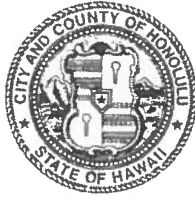
POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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LATE

RADE K. VANIC
INTERIM CHIEF

RICK BLANGIARDI
MAYOR



OUR REFERENCE **AP-TK**

April 7, 2022

The Honorable Donovan M. Dela Cruz, Chair
and Members
Committee on Ways and Means
The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Rhoads and Members:

SUBJECT: House Bill No. 2336, H.D. 2, S.D. 1, Relating to the Photo Red Light Imaging Detector Systems Program

I am Andre Peters, Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2336, H.D. 2, S.D. 1, Relating to the Photo Red Light Imaging Detector Systems Program.

The HPD supports the proposal to clarify amendments to Chapter 291J of the Hawaii Revised Statutes to better reflect the legislative intent of the photo red light imaging detector systems program, including repealing or changing certain defenses to violations of the program. We support the amendment of Act 30, Session Laws of Hawaii 2020, to account for the current timetable of the pilot program. We also support the suggested amendments establishing minimum display times for yellow lights on traffic-control signals.

The Honorable Donovan M. Dela Cruz, Chair
and Members
The Honorable Karl Rhoads, Chair
and Members
April 7, 2022
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We believe this system will allow our streets to be much safer with a visible 24-hour deterrent at our busiest intersections. This would free up law enforcement officers to respond to priority calls and would remove the safety risk involved in conducting traditional traffic stops during their tours of duty.

The HPD urges you to support House Bill No. 2336, H.D. 2, S.D. 1, Relating to the Photo Red Light Imaging Detector Systems Program.

Thank you for the opportunity to testify.

Sincerely,



Andre Peters, Captain
Traffic Division

APPROVED:



Rade K. Vanic
Interim Chief of Police