

FEB 22 2023

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## SENATE RESOLUTION

AMENDING THE RULES OF THE SENATE TO ESTABLISH THAT A FAILURE TO  
SUBMIT TO A BREATHALYZER TEST, BLOOD TEST, OR FIELD  
SOBRIETY TEST DURING A LAWFUL STOP SHALL BE GROUNDS FOR  
EXPULSION.

1           WHEREAS, state legislators have a responsibility to lead by  
2 example and behave in a manner that is consistent with public  
3 safety; and

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5           WHEREAS, safe roads are an essential component of everyday  
6 life; and

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8           WHEREAS, the presence of intoxicated drivers jeopardizes  
9 the safety of public roads; and

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11           WHEREAS, breathalyzer tests, blood tests, and field  
12 sobriety tests for intoxication are essential components of  
13 ensuring that intoxicated drivers are held accountable; and

14  
15           WHEREAS, while everyday citizen drivers have the right to  
16 refuse to submit to breathalyzer tests, blood tests, and field  
17 sobriety tests when they are stopped by police upon suspicion of  
18 intoxicated driving, state legislators should be held to a  
19 higher standard; and

20  
21           WHEREAS, Article III, Section 12 of the Hawaii State  
22 Constitution provides that each house of the Legislature "shall  
23 have, for misconduct, disorderly behavior or neglect of duty of  
24 any member, power to punish such member by censure or, upon a  
25 two-thirds vote of all the members to which such house is  
26 entitled, by suspension or expulsion of such member"; now,  
27 therefore,

28  
29           BE IT RESOLVED by the Senate of the Thirty-second  
30 Legislature of the State of Hawaii, Regular Session of 2023,



# S.R. NO. 20

1 that the Rules of the Senate shall be amended by inserting a new  
2 rule to be appropriately designated and to read as follows:

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4 **"Rule . Refusal to Submit to Breathalyzer, Blood,  
5 or Field Sobriety Tests.**

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7 If any member operating a motor vehicle is subject to  
8 a lawful stop by a law enforcement officer, and the officer  
9 requests that the member submit to a breathalyzer, blood,  
10 or field sobriety test, or any combination of the foregoing  
11 tests, the member shall consent. A member's failure to  
12 comply with this rule shall be deemed an act of misconduct  
13 and shall be grounds for expulsion, pursuant to  
14 Article III, Section 12 of the Constitution of the State of  
15 Hawaii.

16  
17 provided that the formatting of the rule may be changed to  
18 conform to the formatting of most recent version of the Rules of  
19 the Senate; and

20  
21 BE IT FURTHER RESOLVED that the new rule shall take effect  
22 on the date of the adoption of this measure; and

23  
24 BE IT FURTHER RESOLVED that certified copies of this  
25 Resolution be transmitted to each member of this chamber.

26  
27  
28 OFFERED BY:

A handwritten signature in black ink, consisting of a stylized, cursive name followed by a horizontal line extending to the right.