

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 1092
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 1092 entitled:

"A BILL FOR AN ACT RELATING TO PENALTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to make driving without a license a civil violation, punishable by fines of not less than \$50 and not more than \$300.

Your Committee received testimony in support of this measure from the Office of the Public Defender and American Civil Liberties Union of Hawai'i. Your Committee received testimony in opposition of this measure from the Department of Transportation and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that Act 214, Session Laws of Hawaii 1993, aimed to "improve the system by which traffic offenses presently are being processed in order to dispose expeditiously of these cases". By decriminalizing certain traffic offenses that were not considered serious through the implementation of a program for drivers to settle their fines in less adversarial settings, the State's resources could be expended for more serious cases and allowed law enforcement to focus on their patrol duties. The stress of criminal prosecution, rather than civil litigation, for certain violations has severely strained the criminal justice



process, requiring extensive resources while very few cases are resolved through a trial on the merits. To streamline the criminal justice process, while also ensuring fair penalties are administered commensurate to the violation, this measure re-examines penalties for certain traffic violations.

Your Committee has amended this measure by:

- (1) Inserting blank amounts for the proposed minimum and maximum fines for driving without a license;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) 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 Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1092, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1092, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,

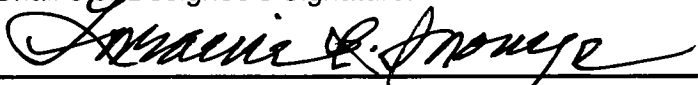


CHRIS LEE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 1092	Committee Referral: TCA, JDC	Date: 02/09/23		
<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
LEE, Chris (C)	✓			
INOUE, Lorraine R. (VC)		✓		
ELEFANTE, Brandon J.C.	✓			
KEOHOKALOLE, Jarrett	✓			
AWA, Brenton			✓	<i>W/hi</i>
TOTAL	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes