STAND. COM. REP. NO. 2893

Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 2017

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2017 entitled:

"A BILL FOR AN ACT RELATING TO FINANCIAL SUPPORT OF A CHILD AFTER DRIVING UNDER THE INFLUENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to require defendants convicted of causing the death of a parent or legal guardian of a minor child by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol to make restitution in the form of financial support to each surviving child of the victim.

Your Committee received testimony in support of this measure from the Department of Transportation, Mothers Against Drunk Driving Hawaii, and three individuals.

Your Committee received comments on this measure from the Department of Corrections and Rehabilitation.

Your Committee finds that the trauma a minor experiences due to suddenly losing the stability and support of a parent or legal guardian is only compounded by the financial hardship that usually accompanies this type of sudden loss. This measure will deter drivers from driving under the influence and provide necessary funding to minors to access professional counseling to help them

work through their trauma constructively and obtain guidance and support needed to overcome the tragedy of suddenly losing a parent or legal guardian.

Your Committee has amended this measure by:

- (1) Inserting language requiring defendants convicted of causing the death of a parent or legal guardian of an adult dependent child with disabilities by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol to make restitution in the form of financial support to each surviving adult dependent child with disabilities of the victim;
- (2) Deleting language that would have required the court to consider the standard of living to which the child is accustomed as a relevant factor in determining an amount that is reasonable and necessary for the financial support of the victim's child; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2017, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2017, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

Kal Ala

## The Senate Thirty-Second Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Committee Referral:			1	
SB 2017	U	UDC			02	24
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	R) .	Nay	Excused
RHOADS, Karl (C)						
GABBARD, Mike (VC)						
ELEFANTE, Brandon J.C.						
SAN BUENAVENTURA, Joy	<b>A</b> .					
AWA, Brenton		V				
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TOTAL		5				
Recommendation:  Adopted  Not Adopted						
Chair's or Designer'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