

ACT 115

H.B. NO. 1629-84

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a danger to the safety and welfare of the people of this State from the presence of drivers operating under the influence of alcohol, drugs, or both. The legislature further finds that intoxication control roadblock programs are a reasonable means of protecting the vital public interest in removing intoxicated drivers from the public highways. The legislature also finds that, with appropriate guidelines as to the timing, placement, duration, and operation of roadblock programs, roadblocks can be implemented with minimal intrusion into the privacy and security interests of individuals and that such slight intrusion as does occur will be justified by the overriding concerns for public safety.

The purpose of this Act is to authorize the police departments of each county to establish intoxication control roadblock programs and to provide guidelines to impose standards of reasonableness upon the exercise of discretion in the implementation of these programs.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding two new sections to part VII to be appropriately designated and to read as follows:

“§286- Authorization to establish intoxication control roadblock programs. The police departments of the respective counties are authorized to

establish and implement intoxication control roadblock programs in accordance with the minimum standards and guidelines provided in section 286-. The chief of police in any county establishing an intoxication control roadblock program pursuant to this section shall specify the procedures to be followed in carrying out the program in rules adopted under chapter 91; provided that the procedures shall be in conformity with and not more intrusive than the standards and guidelines described in section 286- .

§286- Minimum standards for roadblock procedures. (a) Every intoxication control roadblock program shall:

- (1) Require either that all motor vehicles approaching roadblocks be stopped, or that certain motor vehicles be stopped by selecting motor vehicles in a specified numerical sequence or pattern.
- (2) Require that roadblocks be located at fixed locations for a maximum three hour period.
- (3) Provide for the following minimum safety precautions at every roadblock:
 - (A) Proper illumination;
 - (B) Off-road or otherwise safe and secure holding areas for vehicles involved in any roadblock stop;
 - (C) Uniformed police officers carrying proper identification;
 - (D) Adequate advance warning of the fact and purpose of the roadblocks, either by sign posts, flares, or other alternative methods; and
 - (E) Termination of roadblocks at the discretion of the police officer in charge where traffic congestion would otherwise result.
- (4) Provide for a sufficient quantity and visibility of uniformed officers and official vehicles to assure speedy compliance with the purpose of the roadblocks and to move traffic with a minimum of inconvenience.

(b) Nothing in this section shall prohibit the establishment of procedures to make roadblock programs less intrusive than required by the minimum standards provided in this section.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 18, 1984.)

Note

1. Edited pursuant to HRS §23G-16.5.