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## HOUSE CONCURRENT RESOLUTION

REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE  
OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE  
INFLUENCE OF AN INTOXICANT.

1           WHEREAS, driving while intoxicated is a serious offense  
2 that claims lives and seriously injures people; and  
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4           WHEREAS, the offense of operating a vehicle under the  
5 influence of an intoxicant (section 291E-61(a), Hawaii Revised  
6 Statutes) provides for a blood alcohol threshold of .08 grams of  
7 alcohol per one hundred cubic centimeters of blood, or for a  
8 breathalyzer threshold of .08 grams of alcohol per two hundred  
9 ten liters of breath; and  
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11           WHEREAS, the current threshold for breath or blood alcohol  
12 level is probably too high for most drivers who drink before  
13 driving; and  
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15           WHEREAS, drivers who drink before driving may have impaired  
16 driving ability at levels far below current thresholds for blood  
17 and breath levels of blood alcohol; and  
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19           WHEREAS, current law provides for imprisonment for  
20 conviction of the class C felony offense of habitually operating  
21 a vehicle under the influence of an intoxicant, defined under  
22 section 291E-61.5, Hawaii Revised Statutes, as having three or  
23 more prior convictions within ten years, as follows:  
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25           (1) An indeterminate term of imprisonment of five years;  
26           or  
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28           (2) Mandatory imprisonment of not less than ten days, of  
29 which at least forty-eight hours shall be served  
30 consecutively, as a condition for a sentence of  
31 probation; and  
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1 WHEREAS, a longer mandatory term of imprisonment, whether  
2 as a condition of probation or as part of a sentence to the full  
3 five year indeterminate term, is not unreasonable to deter the  
4 offender from driving while drunk; now, therefore,  
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6 BE IT RESOLVED by the House of Representatives of the  
7 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
8 of 2010, the Senate concurring, that the Department of  
9 Transportation is requested, in collaboration with the Honolulu  
10 Police Department, to recommend increased penalties for the  
11 offense of habitually operating a vehicle under the influence of  
12 an intoxicant, including but not limited to, increased mandatory  
13 terms of imprisonment and impounding of the vehicle; and  
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15 BE IT FURTHER RESOLVED that the recommendations include the  
16 costs of implementing the recommended increased penalties as  
17 well as recommendations on how to mitigate such costs for the  
18 implementing agencies; and  
19

20 BE IT FURTHER RESOLVED that the Department of  
21 Transportation report its findings and recommendations to the  
22 Legislature no later than twenty days prior to the convening of  
23 the Regular Session of 2011; and  
24

25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Director of  
27 Transportation, the Chief of Police of the Honolulu Police  
28 Department, and the Honolulu Prosecuting Attorney.  
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OFFERED BY: Denny Coffman

MAR 04 2010

