HOUSE RESOLUTION

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

WHEREAS, driving while intoxicated is a serious offense that claims lives and seriously injures people; and

WHEREAS, the offense of operating a vehicle under the influence of an intoxicant (section 291E-61(a), Hawaii Revised Statutes) provides for a blood alcohol threshold of .08 grams of alcohol per one hundred cubic centimeters of blood, or for a breathalyzer threshold of .08 grams of alcohol per two hundred ten liters of breath; and

WHEREAS, the current threshold for breath or blood alcohol level is probably too high for most drivers who drink before driving; and

WHEREAS, drivers who drink before driving may have impaired driving ability at levels far below current thresholds for blood and breath levels of blood alcohol; and

WHEREAS, current law provides for imprisonment for conviction of the class C felony offense of habitually operating a vehicle under the influence of an intoxicant, defined under section 291E-61.5, Hawaii Revised Statutes, as having three or more prior convictions within ten years, as follows:

(1) An indeterminate term of imprisonment of five years; or

(2) Mandatory imprisonment of not less than ten days, of which at least forty-eight hours shall be served consecutively, as a condition for a sentence of probation; and

WHEREAS, a longer mandatory term of imprisonment, whether as a condition of probation or as part of a sentence to the full
five year indeterminate term, is not unreasonable to deter the
offender from driving while drunk; now, therefore,

BE IT RESOLVED by the House of Representatives of the
Twenty-fifth Legislature of the State of Hawaii, Regular Session
of 2010, that the Department of Transportation is requested, in
collaboration with the Honolulu Police Department, to recommend
increased penalties for the offense of habitually operating a
vehicle under the influence of an intoxicant, including but not
limited to, increased mandatory terms of imprisonment and
impounding of the vehicle; and

BE IT FURTHER RESOLVED that the recommendations include the
costs of implementing the recommended increased penalties as
well as recommendations on how to mitigate such costs for the
implementing agencies; and

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

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the Director of Transportation, the
Chief of Police of the Honolulu Police Department, and the
Honolulu Prosecuting Attorney.

OFFERED BY: 

MAR 04 2010