

STAND. COM. REP. NO.

2933

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 1928

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,
to which was referred H.B. No. 1928 entitled:

"A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal section
291E-68, Hawaii Revised Statutes, which makes refusal to submit to
a breath, blood, or urine test a petty misdemeanor.

Your Committee received testimony in support of this measure
from the Office of the Public Defender and Maui County Prosecuting
Attorney. Testimony in opposition was received from Mothers
Against Drunk Driving.

Your Committee finds that the criminalization of the refusal
to submit to a chemical test is causing serious problems with the
prosecution of individuals arrested for operating a vehicle under
the influence of an intoxicant. Several cases in Maui county have
been dismissed because of purported constitutional violations
relating to the potential for criminal penalties associated with a
defendant's refusal to submit to a chemical test. In lieu
thereof, your Committee finds existing law requiring license
revocation in an administrative license revocation proceeding to
be an adequate penalty.

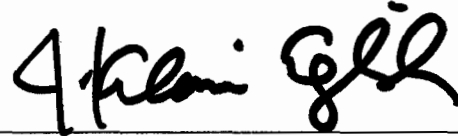
As affirmed by the record of votes of the members of your
Committee on Transportation and International Affairs that is
attached to this report, your Committee is in accord with the
intent and purpose of H.B. No. 1928, and recommends that it pass

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Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



