

Honolulu, Hawaii

FEB 12 2015

RE: S.B. No. 612
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Transportation, to which was referred S.B. No. 612 entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose and intent of this measure is to require a period of probation for any person convicted of the offense of operating a vehicle under the influence of an intoxicant and operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; County of Kaua'i, Office of the Prosecuting Attorney; Hawaii Chapter of Mothers Against Drunk Driving; and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments from the Judiciary.

Your Committee finds that probation is necessary to enhance the monitoring of those convicted of operating a vehicle while under the influence of an intoxicant. This measure provides a better method of monitoring the driver to ensure compliance of conditions set forth by probation. With the imposition of probation and the installation of an ignition interlock, offenders will be better monitored.



Your Committee also finds that as Hawaii's ignition interlock laws have developed, a gap has been identified concerning second time and subsequent offenders. Since there is no possibility to sentence repeat offenders to probation, the requirement to install and comply with ignition interlock requirements has gone unchecked. In addition, after completion of a sentence for the offense of operating a vehicle under the influence of an intoxicant, drivers no longer fall under the supervision of the jurisdiction of the District Court. Therefore, presently convicted drunk drivers are not required to abstain from alcohol consumption as a consequence of a condition of probation.

Your Committee is concerned that this measure would drastically increase the expenses to the Judiciary in the way of hiring more probation officers. Your Committee believes that making probation optional in some instances and reducing the period of probation would decrease the number of probationers. As amended, this measure serves that purpose while preserving mandatory probation and probation periods in instances where the repetitiveness of the offenses indicates that the offender needs such supervision.

Your Committee has amended this measure by:

- (1) Making probation an option in sentencing for the first conviction of operating a vehicle under the influence of an intoxicant for a period of not less than one year nor more than two years;
- (2) Making probation an option in sentencing for a second conviction of operating a vehicle under the influence of an intoxicant occurring within five years of the first conviction and reducing the sentence of probation from a period of not less than two years nor more than four years to a period of not less than one year nor more than two years; and
- (3) Reducing the mandatory sentencing for a third conviction occurring within five years of two prior convictions for operating a vehicle under the influence of an intoxicant to probation from a period of not less than three years nor more than five years to a period of not less than two years nor more than three years.



As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 612, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 612, S.D. 1, and be referred to the Committees on Judiciary and Labor and Ways and Means.

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

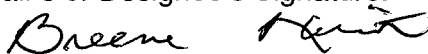


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation
TRA

Bill / Resolution No.:* SB612	Committee Referral: TRA, JDL	Date: 2/5/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
HARIMOTO, Breene (VC)	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
INOUYE, Lorraine R.	✓			
KIDANI, Michelle N.				✓
KOUCHI, Ronald D.	✓			
SLOM, Sam	✓			
TOTAL	7			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee'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