

STAND. COM. REP. NO.

1096

Honolulu, Hawaii

March 25, 2015

RE: S.B. No. 225

S.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 225, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE,"

begs leave to report as follows:

The purpose of this measure is to strengthen existing law concerning the offense of habitually operating a vehicle under the influence of an intoxicant, also known as HOVUII, by amending the elements of the offense to include operating a vehicle under the influence of an intoxicant within ten years of at least one prior conviction for HOVUII.

The Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kauai, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, and Mothers Against Drunk Driving HAWAII testified in support of this measure.

Unfortunately, operating a vehicle under the influence of an intoxicant (OVUII) continues to be a problem in Hawaii and poses a threat to highway safety. Currently, a driver of a motor vehicle may be convicted of HOVUII when that driver has at least three prior petty misdemeanor or felony convictions for OVUII within ten years of the incident at issue. However, under existing law, a prior felony conviction for HOVUII is treated the same as a prior conviction for OVUII for the purposes of triggering a subsequent

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HOVUII charge. Due to the ten-year limitation period, a prior HOVUII conviction will not trigger a subsequent HOVUII charge if a person is convicted anew of OVUII but the ten-year limitation has operated to exclude the requisite number of prior convictions. Therefore, a person with only two prior OVUII convictions may receive a greater penalty for the same conduct than a person with more numerous or more serious convictions receives. This measure upholds the original intent of the HOVUII law by ensuring that penalties for repeated convictions of operating a vehicle under the influence of an intoxicant are progressively stronger with each conviction.

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. 225, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



HENRY J.C. AQUINO, Chair



