

STAND. COM. REP. NO.

1030

Honolulu, Hawaii

MAR 23 2017

RE: H.B. No. 306
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Transportation and Energy, to which was referred H.B. No. 306, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to require persons charged with operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant to be fitted with a continuous alcohol monitoring device under certain circumstances.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, Alcohol Monitoring Systems Inc., and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Smart Start, LLC. Your Committee received comments on this measure from Mothers Against Drunk Driving HAWAII.

Your Committee finds that this measure addresses the issue of repeat offenders charged with driving while under the influence of an intoxicant. According to testimony, during the 2015 calendar year, the Administrative Driver's License Revocation Office



adjudicated one thousand seventy-one cases involving repeat offenders which represents seventeen percent of the total number cases handled that year. These repeat offenders continued to drive, placing other roadway users at risk. Additionally, of the ninety-three motor vehicle fatalities that occurred in the 2015 calendar year, fifty-one individuals, or 54.8 percent, had positive alcohol and or drug results.

Your Committee finds that this measure will reduce the number of fatalities caused by drivers driving while under the influence of an intoxicant.

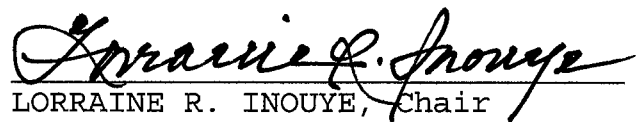
Your Committee has amended this measure, upon the recommendation of the Department of the Prosecuting Attorney of the City and County of Honolulu, by:

- (1) Clarifying that this measure applies to a person who is a repeat intoxicated driver;
- (2) Clarifying that removal of the device upon being taken into custody by the Department of Public Safety or for a verified medical reason, is not a violation of the terms of release on bail, and requires the person to be refitted with a continuous alcohol monitoring device;
- (3) Requiring the continuous alcohol monitoring device to be fitted, maintained, and monitored by a single vendor statewide with all costs associated with the monitoring device to be paid by the person;
- (4) Requiring the vendor to provide partial financial relief for the fitting and maintenance charges to persons who apply for such assistance and who are recipients, at the time of license revocation or suspension, of either food stamps under the Supplemental Nutrition Assistance Program, or free services under the Older Americans Act or Developmentally Disabled Assistance and Bill of Rights Act; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Transportation and Energy that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 306, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 306, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.


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


LORRAINE R. INOUE, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:*	Committee Referral:	Date:		
HB306, HD2	TRE, JDL/WAM	3/20/17		
<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
INOUE, Lorraine R. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani				/
HARIMOTO, Breene				/
SHIMABUKURO, Maile S.L.	/			
TOTAL	3			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