

Honolulu, Hawaii

APR 07 2017

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

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 306, H.D. 2, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require persons charged with the offense of 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 if the person:
 - (A) Is a repeat intoxicated driver; or
 - (B) Is awaiting a criminal investigation or prosecution that is pending for one or more prior charges of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant;
- (2) Establish procedures for the use and removal of the continuous alcohol monitoring device; and



- (3) Require that the continuous alcohol monitoring device is fitted, maintained, and monitored by a single vendor statewide and that the vendor provide partial financial relief for the costs of the monitoring devices to certain persons.

Your Committees received testimony in support of this measure from the Department of Transportation; Prosecuting Attorney, City and County of Honolulu; Police Department, City and County of Honolulu; and SCRAM Systems. Your Committees received testimony in opposition to this measure from the Office of the Public Defender, Mothers Against Drunk Driving Hawaii, and Smart Start LLC.

Your Committees find that the National Highway Traffic Safety Administration previously reported that forty-one percent of all traffic fatalities in Hawaii were alcohol related, versus the national average of thirty-one percent. Moreover, between 2008 and 2012, eleven percent of all alcohol-related fatalities in Hawaii involved a driver who was previously convicted of operating a vehicle under the influence of an intoxicant. This measure seeks to decrease alcohol-related fatalities and accidents by requiring repeat offenders to be fitted with a continuous alcohol monitoring device.

Your Committees believe that further discussion is necessary regarding whether this measure should only be limited to post convictions of the offense of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant.

Your Committees have amended this measure by:

- (1) Requiring that the single statewide vendor of the continuous alcohol monitoring devices provide financial relief, rather than partial financial relief, for the costs of the monitoring devices to certain persons;
- (2) Inserting language to require the Department of the Prosecuting Attorney of the City and County of Honolulu to submit a written report to the Legislature prior to the Regular Session of 2018 that provides a comparison



of the effectiveness of the alcohol monitoring devices and ignition interlock devices; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 306, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 306, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

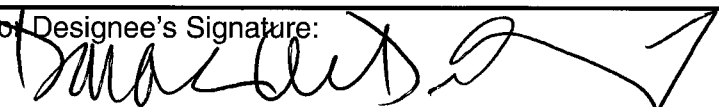


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 306, HD2, SD1	TRE, JDL/WAM	3/30/17		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani				/
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
KAHELE, Kaiali'i				/
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.				/
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
TOTAL	8			3
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