
A BILL FOR AN ACT

RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:
4 "§291E- Continuous alcohol monitoring device;
5 requirement; penalties. (a) Any person charged with a
6 violation of section 291E-61 or 291E-61.5 as a result of having
7 consumed alcohol:
8 (1) Who is a repeat intoxicated driver; or
9 (2) While pending criminal investigation or prosecution
10 for one or more prior charges of violating section
11 291E-61 or 291E-61.5, as a result of having consumed
12 alcohol,
13 may be ordered to refrain from consuming any alcohol and submit
14 to monitoring by a continuous alcohol monitoring device, for a
15 period of no less than ninety days. If, following the person's
16 arrest, the person is released on bail by the sheriff, deputy
17 sheriff, chief of police, or any person named by the chief of



1 police, the person shall be scheduled for an initial court
2 appearance within five business days, or as soon thereafter as
3 is practicable.

4 (b) At the person's initial court appearance, the person
5 may be ordered to refrain from consuming any alcohol and to
6 submit to monitoring by a continuous alcohol monitoring device,
7 for a period of no less than ninety days, as conditions of
8 release on bail. As further conditions of release on bail, if a
9 continuous alcohol monitoring device is ordered, the person
10 shall be ordered to refrain from removing, obstructing, or
11 tampering with the device during the applicable period. The
12 applicable period may be extended by the court at any time,
13 beyond ninety days, but may not be shortened or suspended. Once
14 ordered, the person shall be fitted with a continuous alcohol
15 monitoring device within five business days of the person's
16 initial court appearance, or as soon thereafter as is
17 practicable.

18 (c) If the device is removed upon being taken into custody
19 by the department of public safety, or for a verified medical
20 emergency, such removal shall not be considered a violation of
21 conditions of release on bail, and the applicable period shall



1 be suspended. The person shall be refitted with a continuous
2 alcohol monitoring device at the earliest possible opportunity,
3 at which time the applicable period shall resume.

4 (d) The administrative director of the courts shall
5 establish and administer a statewide program relating to
6 oversight of all continuous alcohol monitoring devices ordered
7 to be fitted pursuant to chapter 291E, and shall select a single
8 vendor to fit, maintain and monitor them. All costs associated
9 with the device, including administrative and operating costs,
10 shall be paid by the person, except that the vendor shall
11 provide partial financial relief for any charges to persons who
12 apply for such assistance and who are recipients, at the time of
13 arrest, of either food stamps under the Supplemental Nutrition
14 Assistance Program, or free services under the Older Americans
15 Act or Developmentally Disabled Assistance and Bill of Rights
16 Act.

17 (e) If the person violates any of the conditions of
18 release on bail as specified in subsection (b), the person's
19 bail may be declared forfeited and bail reset in the same amount
20 or higher, in addition to any other penalties the court may
21 impose.



1 (f) Nothing in this section shall prevent a court from
2 ordering a defendant to submit to monitoring by a continuous
3 alcohol monitoring device as a condition of release on bail,
4 recognizance, supervised release or sentencing, for violation of
5 section 291E-61 or 291E-61.5 as a first offense, or for
6 violation of any other section, if otherwise permitted by law."

7 SECTION 2. Section 291E-1, Hawaii Revised Statutes, is
8 amended by adding a new definition to be appropriately inserted
9 and to read as follows:

10 "Continuous alcohol monitoring device" means any device or
11 instrument that:

- 12 (1) Is attached to the person;
- 13 (2) Is designed to automatically test the alcohol content
14 in a person by contact with the person's skin at least
15 once per one-half hour regardless of the person's
16 location;
- 17 (3) Detects the presence of alcohol; and
- 18 (4) Detects attempts to tamper with, obstruct, or remove
19 the device."

20 SECTION 3. The administrative director of the courts shall
21 submit a written annual report to the legislature, no later than



1 twenty days prior to the convening of each regular session,
2 beginning in 2019. The written report shall include an
3 evaluation of the effectiveness of the statewide program
4 required under this Act, any known effect on the ignition
5 interlock devices required under chapter 291E, Hawaii Revised
6 Statutes, and any proposed legislation.

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on January 1, 2018.



Report Title:

Honolulu Prosecuting Attorney Package; Continuous Alcohol Monitoring; Driving Under the Influence

Description:

Authorizing the fitting of a continuous alcohol monitoring device on persons charged for operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant if the person: (1) Is a repeat intoxicated driver; or (2) Is currently awaiting a pending criminal investigation or prosecution 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. Establishes a process for certain persons to receive financial relief for the cost of the monitoring devices. Requires the administrative director of the courts to submit a report to the legislature evaluating the effectiveness of the alcohol monitoring devices and any known effect on the ignition interlock devices. (HB306 CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

