

STAND. COM. REP. NO.

2824

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2235  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Transportation and Public Safety,  
Intergovernmental, and Military Affairs, to which was referred  
S.B. No. 2235 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS WHILE  
OPERATING A VEHICLE,"

beg leave to report as follows:

The purpose and intent of this measure is to help fund the  
State's drug and alcohol toxicology laboratory by depositing fines  
on repeat offenders, habitual offenders, and offenders who operate  
a vehicle after license and privilege have been suspended or  
revoked for operating a vehicle under the influence of an  
intoxicant into a state drug and alcohol toxicology testing  
laboratory special fund.

Your Committees received testimony in support of this measure  
from the Department of Transportation; Department of Public  
Safety; Department of Health; Honolulu Police Department; Office  
of the Prosecuting Attorney, County of Hawaii; Department of the  
Prosecuting Attorney, City and County of Honolulu; Maui  
Metropolitan Planning Organization Policy Board; Mothers Against  
Drunk Driving; and two individuals. Your Committees received  
comments on this measure from the Department of Budget and  
Finance.



Your Committees find that highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Your Committees further find that bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive. Presently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, except for alcohol blood testing within the City and County of Honolulu. This testing performed by private laboratories is costly. Testing of blood for drugs is currently conducted by an out-of-state private laboratory, which takes time to perform.

Your Committees further find that there have been occasions where the test results were not timely for trial, resulting in case dismissals. Cases can become extremely costly when the prosecution subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of Hawaii. Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations that will be used in court. Some of these State-run laboratories perform other testing functions, such as work place drug testing; post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can further reduce costs for the State. This measure will help to fund a State-run drug and alcohol toxicology testing laboratory. Your Committees further find that the laboratory should be run by the Department of Health. Accordingly, your Committees have amended this measure by:

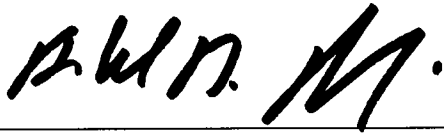
- (1) Changing the expending agency from the Department of Public Safety to the Department of Health; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B.

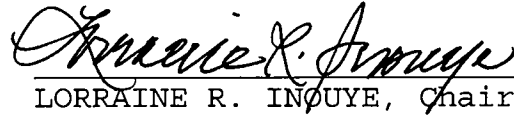


No. 2235, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2235, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Public Safety,  
Intergovernmental, and Military  
Affairs,



CLARENCE K. NISHIHARA, Chair



LORRAINE R. INOUE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

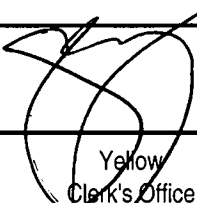
**Record of Votes**  
**Committee on Transportation**  
**TRS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2235	TRS   PSM, WAM   JDC	2/7/20		
<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
INOUYE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)	✓			
ENGLISH, J. Kalani				✓
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Breene Hart</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 2235</b>	Committee Referral: <b>TPS/PSM, WAM/JDC</b>	Date: <b>2/7/2020</b>		
<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)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
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	

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