

Honolulu, Hawaii

MAR 13, 2020

RE: S.B. No. 2329
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2329, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IGNITION INTERLOCK DEVICES,"

begs leave to report as follows:

The purpose of this measure is to reduce incidents of driving under the influence of an intoxicant by:

- (1) Specifying that if a person convicted of operating a vehicle after the person's license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant is also convicted of the offense of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant, the person must be sentenced to consecutive terms of imprisonment for both offenses;
- (2) Specifying that a person who has an ignition interlock permit must also carry government-issued identification with the person;
- (3) Extending the lookback period for provisions relating to ignition interlock requirements from five to ten years;



- (4) Making it a crime for a person who is restricted to driving a vehicle equipped with an ignition interlock device to knowingly obscure a camera lens associated with an ignition interlock device; and
- (5) Granting courts greater flexibility by providing that if, within ten years, a person has two or more prior convictions for the offenses of:
 - (A) Operating a vehicle after the person's license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant;
 - (B) Circumvention of, or tampering with, an ignition interlock device by a person who has been restricted to operating a vehicle equipped with an ignition interlock device; or
 - (C) Certain older offenses,

one of the penalties to which the offender must be sentenced is between six months to one year of imprisonment.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Association of Transportation Safety Information Professionals, Traffic Injury Research Foundation, Hawaii Strategic Highway Safety Plan, and Foundation for Advancing Alcohol Responsibility. Your Committee received comments on this measure from the Department of Transportation, Office of the Public Defender, Mothers Against Drunk Driving Hawaii, and Smart Start LLC.

Your Committee finds that one way to stop an intoxicated driver from continuing to drive while intoxicated is to strengthen the laws relating to ignition interlock devices. This measure seeks to close loopholes in existing laws identified by the Department of Transportation's Hawaii Drug and Alcohol Intoxicated Driving Working Group.



Your Committee has amended this measure by:

- (1) Establishing a system of graduated penalties for violations of, and requiring proof of compliance with, the ignition interlock law;
- (2) Specifying that the government-issued identification must be a valid government-issued photo identification;
- (3) Extending the lookback period for the offense of circumvention of, or tampering with, an ignition interlock device by a person who has been restricted to operating a vehicle equipped with an ignition interlock device from five to ten years;
- (4) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 2329, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2329, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

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


HENRY J.C. AQUINO, Chair



