

STAND. COM. REP. NO.

1194

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 1263
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1263, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a system of graduated penalties for violations of the ignition interlock law; and
- (2) Require proof of compliance with the ignition interlock law to be eligible to apply for a driver's license.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of the Prosecuting Attorney of the County of Kaua'i; Smart Start, LLC; Casanova Powell Consulting; Traffic Injury Research Foundation; Strategic Highway Safety Plan Core Committee; Responsibility.org; AAA Hawai'i; and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that an ignition interlock device is a small device attached to a vehicle's electrical system that



requires a driver to submit to a breath test before the vehicle will start. If alcohol is detected at or above a predetermined threshold, the vehicle will not start. The device may also require rolling or running retests, where a driver must submit to another breath test at random intervals after the vehicle has been allowed to start. Your Committee further finds that, because ignition interlock devices are the only technology to physically separate the act of drinking from the act of driving and will directly prohibit an offender from driving again with alcohol in the offender's system, they are more effective in preventing persons from reoffending than other technologies or programs that do not directly prevent an offender from operating the offender's vehicle. This measure will protect the public from repeat offenders who put themselves and others at risk when they decide to drive under the influence of an intoxicant by expanding on the existing ignition interlock device law.

Your Committee has amended this measure by:

- (1) Specifying that installation of an ignition interlock device on all vehicles the person drives is a prerequisite for the new ignition interlock device requirements;
- (2) Specifying a period of required compliance with ignition interlock device installation of sixty days for a first offense within ten years, ninety days for a second offense within ten years, and six months for a habitual offense and subsequent offenses;
- (3) Adding fifty percent to the applicable period of license revocation convicted of operating a vehicle under the influence of an intoxicant if the person does not own a vehicle, have use of a vehicle, or is otherwise unable to drive during the revocation period unless the period of revocation is permanent or the person is required to drive a vehicle on which an ignition interlock device cannot be installed for the purposes of the person's employment;
- (4) Changing the effective date to January 1, 2022; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1263, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1263, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

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

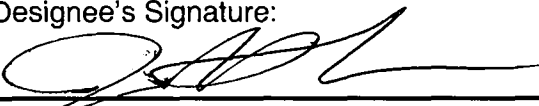


KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB1263, HD1	Committee Referral: JDC, WAM	Date: 3/23/2024		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura			✓	
GABBARD, Mike	✓			
KIM, Donna Mercado			✓	
LEE, Chris	✓			
FEVELLA, Kurt			✓	
TOTAL	4	0	3	0
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