

STAND. COM. REP. NO.

750

Honolulu, Hawaii

MAR 04 , 2021

RE: H.B. No. 334
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 334 entitled:

"A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the State Drug and Alcohol Toxicology Testing Laboratory Special Fund to support a State Drug and Alcohol Toxicology Testing Laboratory;
- (2) Specify that monies in the State Highway Fund may be expended for the cost of establishing a State Drug and Alcohol Toxicology Testing Laboratory;
- (3) Require that fines imposed on offenders convicted of repeat or habitual offenses involving operating a vehicle under the influence of an intoxicant or convicted of operating a vehicle after a license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant be deposited into the State Drug and Alcohol Toxicology Testing Laboratory Special Fund;



- (4) Appropriate funds out of the State Highway Fund for deposit into the State Drug and Alcohol Toxicology Testing Laboratory Special Fund;
- (5) Appropriate funds out of the State Drug and Alcohol Toxicology Testing Laboratory Special Fund for the establishment of a State Drug and Alcohol Toxicology Testing Laboratory; and
- (6) Require the Department of Health to submit reports to the Legislature on expenditures from the State Drug and Alcohol Toxicology Testing Laboratory Special Fund.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Health, Department of Transportation, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Chapter of Mothers Against Drunk Driving, Hawaii Strategic Highway Safety Plan, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. Although the police continue to arrest individuals suspected of driving while impaired, prosecuting these cases can be hampered by test results frequently not being available in time for the court hearing, and by expensive court costs. Your Committee further finds that at present, testing of blood and urine samples obtained for the purpose of prosecuting cases involving the operation of a motor vehicle under the influence of an intoxicant is performed by private laboratories, with the exception of alcohol blood testing within the City and County of Honolulu. Your Committee also finds that having an in-state drug and alcohol toxicology testing laboratory would be part of a multi-pronged approach to addressing impaired driving on our roadways.

Your Committee has amended this measure by:

- (1) Deleting the appropriation of funds from the State Highway Fund and State Drug and Alcohol Toxicology Testing Laboratory Special Fund;



- (2) Amending the Penal Code to clarify that the Director of Finance shall transmit the fines imposed on offenders convicted of certain offenses involving operation of a vehicle under the influence of an intoxicant to the State Drug and Alcohol Toxicology Testing Laboratory Special Fund; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 334, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 334, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HJR 750

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

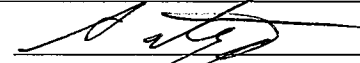
Bill/Resolution No.: HB 334	Committee Referral: JHA	Date: 3-2-21
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.				✓
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	10	0	0	2

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: 

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