

STAND. COM. REP. NO.

1703

Honolulu, Hawaii

APR 08 , 2021

RE: S.B. No. 412
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 Finance, to which was referred S.B.
No. 412, H.D. 1, 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) Clarify the implied consent law to make exceptions for giving a breath, blood, or urine test pursuant to a search warrant or any other basis permissible under the Constitution of the State of Hawaii and state law; and
- (2) Exclude the offense of habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of a guilty plea or nolo contendere plea.

Your Committee received testimony in support of this measure from the Hawaii Strategic Highway Safety Plan, Office of the Prosecuting Attorney of the County of Hawai'i, 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, Hawai'i Police Department, Maui Police Department, and Honolulu Police

2021-2933 SB412 HD1 HSCR HMSO



Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Hawai'i Association of Criminal Defense Lawyers.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 412, H.D. 1, and recommends that it pass Third Reading.

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



SYLVIA LUKE, Chair



Record of Votes of the Committee on Finance

Bill/Resolution No.: SB 412, HD1	Committee Referral: JHA, FIN	Date: 3-31-2021
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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)

FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. LUKE, Sylvia (C)	✓			
2. CULLEN, Ty J.K. (VC)	✓			
3. BRANCO, Patrick Pihana	✓			
4. ELI, Stacelynn K.M.	✓			
5. HOLT, Daniel	✓			
6. ILAGAN, Greggor	✓			
7. KOBAYASHI, Bertrand	✓			
8. MARTEN, Lisa	✓			
9. NISHIMOTO, Scott Y.	✓			
10. PERRUSO, Amy A.		✓		
11. SAYAMA, Jackson D.	✓			
12. TAM, Adrian K.	✓			
13. WILDBERGER, Tina	✓			
14. YAMASHITA, Kyle T.	✓			
15. McDERMOTT, Bob				✓
TOTAL (15)	13	1	∅	1

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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