

STAND. COM. REP. NO. 691

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 412

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 S.B. No. 412 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 and intent of this measure is to exclude the offense of habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, and Maui Police Department.

Your Committee finds that a deferred plea allows a person to delay entering an official plea to a charged offense for a specific length of time, during which the person must meet terms and conditions established by the court, and after which the case will be dismissed if the person has met the required conditions. Your Committee further finds that each person is typically allowed only one deferred plea in their lifetime, and that it is an opportunity for the person to show the court that they have learned their lesson and are unlikely to reoffend in the future. Your Committee additionally finds that persons charged with



habitually operating a vehicle under the influence of alcohol have already been convicted of operating a vehicle under the influence on two separate occasions in the preceding ten years and now face a third charge. Given the nature of the offense and the intent underpinning deferred pleas, it is appropriate to 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.

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 S.B. No. 412 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <span style="font-size: 1.2em;">SB412</span>	Committee Referral: <span style="font-size: 1.2em;">JDC</span>	Date: <span style="font-size: 1.2em;">2/23/21</span>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended  Pass, with amendments  Hold  Recommit  
2312 2311 2310 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOPE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>-</b>

Recommendation:  Adopted  Not Adopted

Chair's or Designee's Signature:

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\*Only one measure per Record of Votes