
A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-61.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 ".(b) For the purposes of this section:

4 (1) "Convicted three or more times for offenses of
5 operating a vehicle under the influence" means that,
6 at the time of the behavior for which the person is
7 charged under this section, the person had three or
8 more times within ten years of the instant offense:

9 ~~[(1)]~~ (A) A judgment on a verdict or a finding of guilty,
10 or a plea of guilty or nolo contendere, for a
11 violation of ~~[this section or]~~ section 291-4,
12 291-4.4, or 291-7 as those sections were in
13 effect on December 31, 2001, or section 291E-61
14 or 707-702.5;

15 ~~[(2)]~~ (B) A judgment on a verdict or a finding of guilty,
16 or a plea of guilty or nolo contendere, for an
17 offense that is comparable to ~~[this section or]~~
18 section 291-4, 291-4.4, or 291-7 as those



1 sections were in effect on December 31, 2001, or
 2 section 291E-61 or 707-702.5; or
 3 ~~[(3)]~~ (C) An adjudication of a minor for a law or probation
 4 violation that, if committed by an adult, would
 5 constitute a violation of ~~[this section or]~~
 6 section 291-4, 291-4.4, or 291-7 as those
 7 sections were in effect on December 31, 2001, or
 8 section 291E-61 or 707-702.5~~+~~,
 9 that, at the time of the instant offense, had not been
 10 expunged by pardon, reversed, or set aside. All
 11 convictions that have been expunged by pardon,
 12 reversed, or set aside prior to the instant offense
 13 shall not be deemed prior convictions for the purposes
 14 of proving that the ~~[person's status as]~~ person is a
 15 habitual operator of a vehicle while under the
 16 influence of an intoxicant.

17 ~~[A person has the status of a "habitual"]~~

18 (2) "Convicted one or more times for offenses of
 19 habitually operating a vehicle under the influence"
 20 means that, at the time of the behavior for which the
 21 person is charged under this section, the person had



1 one or more times within ten years of the instant
2 offense:

3 (A) A judgment on a verdict or a finding of guilty,
4 or a plea of guilty or nolo contendere, for a
5 violation of this section or section 291-4.4 as
6 that section was in effect on December 31, 2001;

7 (B) A judgment on a verdict or a finding of guilty,
8 or a plea of guilty or nolo contendere, for an
9 offense that is comparable to this section or
10 section 291-4.4 as that section was in effect on
11 December 31, 2001; or

12 (C) An adjudication of a minor for a law or probation
13 violation that, if committed by an adult, would
14 constitute a violation of this section or section
15 291-4.4 as that section was in effect on
16 December 31, 2001,

17 that, at the time of the instant offense, had not been
18 expunged by pardon, reversed, or set aside. All
19 convictions that have been expunged by pardon,
20 reversed, or set aside prior to the instant offense
21 shall not be deemed prior convictions for the purposes



1 of proving the person's status as a habitual operator
2 of a vehicle while under the influence of an
3 intoxicant.

4 (3) "Habitual operator of a vehicle while under the
5 influence of an intoxicant" [~~if~~] means that the person
6 ~~[has been]~~:

7 (A) Was convicted three or more times [~~within ten~~
8 ~~years of the instant offense,~~] for offenses of
9 operating a vehicle under the influence [~~of an~~
10 ~~intoxicant.~~]; or

11 (B) Was convicted one or more times for offenses of
12 habitually operating a vehicle under the
13 influence."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20



Report Title:

Motor Vehicle; Under the Influence; Habitual Offender

Description:

Amends the offense of habitually operating a vehicle under the influence of an intoxicant to include operating a vehicle under the influence of an intoxicant after at least one conviction within the previous ten years for habitually operating a motor vehicle under the influence of an intoxicant. (SD1)

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