

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 225
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 225, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend 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.

Your Committee received testimony in support of this measure
from the Office of the Prosecuting Attorney, County of Hawaii;
Department of the Prosecuting Attorney, County of Maui; Office of
the Prosecuting Attorney, County of Kauai; and Hawaii Chapter of
Mothers Against Drunk Driving.


Your Committee finds that under existing law, a prior felony
conviction for habitually operating a vehicle under the influence
of an intoxicant (HOVUII) under section 291E-61.5, Hawaii Revised
Statutes, is treated the same as a prior petty misdemeanor
conviction for operating a vehicle under the influence of an
intoxicant (OVUII) under section 291E-61, Hawaii Revised Statutes,
for the purposes of triggering a subsequent HOVUII charge. As a
result, a loophole exists when an individual committing the
offense of OVUII after being convicted of the offense of HOVUII,
within ten years of the current offense, may not have the same



status as a habitual operator of a vehicle while under the influence of an intoxicant unless there were at least two more convictions of HOVUII, OVUII, or a combination of both within the applicable ten year period. Accordingly, this measure assists in the appropriate enforcement and oversight of these offenses and ensures that the definition of "habitual operator of a vehicle while under the influence of an intoxicant" accurately reflects the intent of the law.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 225, S.D. 1, and recommends that it pass Third Reading.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 225 SD1	Committee Referral: TRA, JDL	Date: 2/18/15		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
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