



GOV. MSG. NO. 1111

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 21, 2015

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 21, 2015, the following bill was signed into law:

SB225 SD1

RELATING TO DRIVING UNDER THE
INFLUENCE
ACT 011 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'15 APR 21 P 4:41

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'15 APR 21 A 10:57

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" [~~is~~] 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
APPROVED this 21 day of APR , 2015



GOVERNOR OF THE STATE OF HAWAII