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# 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~~[7~~  
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]~~



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

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

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



1 person is charged under this section, the person had  
2 one or more times within ten years of the instant  
3 offense:

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

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

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

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



1           shall not be deemed prior convictions for the purposes  
2           of proving the person's status as a habitual operator  
3           of a vehicle while under the influence of an  
4           intoxicant.

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

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

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

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

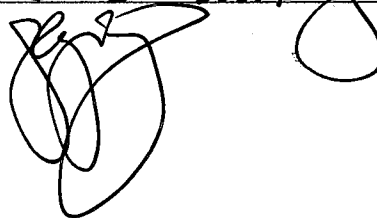
18           SECTION 3. Statutory material to be repealed is bracketed  
19           and stricken. New statutory material is underscored.



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

2

INTRODUCED BY: ~~S.S. S.C. Subbiah~~

A large, stylized handwritten signature in black ink, appearing to be a variation of the name 'S.S. S.C. Subbiah'.

Mahesh  
Ramesh de Bho



# S.B. NO. 225

**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.

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