

Honolulu, Hawaii

April 28, 2017

RE: H.B. No. 306
H.D. 2
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 306, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish procedures and requirements for the use of continuous alcohol monitoring devices by persons who:

- (1) Are charged with operating or habitually operating a vehicle under the influence of an intoxicant under section 291E-61 or 291E-61.5, Hawaii Revised Statutes (HRS); and
- (2) Are repeat intoxicated drivers or awaiting criminal investigation or prosecution for a prior charge of violating section 291E-61 or 291E-61.5, HRS.



This measure also establishes vendor requirements for continuous alcohol monitoring devices and requires a report to the Legislature comparing the effectiveness of these devices and ignition interlock devices.

Your Committee on Conference has amended this measure by:

- (1) Authorizing, rather than mandating the use of continuous alcohol monitoring devices;
- (2) Clarifying for persons who are waiting criminal investigation or prosecution for one or more prior charges under section 291E-61 or 291E-61.5, HRS, that the prior charges under these sections must be as a result of having consumed alcohol;
- (3) Requiring the scheduling of a court appearance within five business days, or as soon thereafter as is practicable, for persons released on bail;
- (4) Deleting language that required extensions of the requisite 90-day monitoring period to be "as reasonably necessary to ensure the safety of the community";
- (5) Requiring fitting of the continuous alcohol monitoring device within five business days of the initial court appearance, or as soon thereafter as is practicable;
- (6) Requiring the Administrative Director of the Courts to:
 - (A) Establish and administer a statewide program for oversight of continuous alcohol monitoring device use; and
 - (B) Select a single vendor to fit, maintain, and monitor the devices;
- (7) Clarifying that partial financial relief shall be provided by the selected single vendor to offset the costs of the device for recipients of certain types of assistance, such as food stamps;
- (8) Clarifying that bail forfeiture and resetting may be imposed for bail violations in addition to the imposition of other penalties by the court;



- (9) Requiring the report to the Legislature to be from the Administrative Director of the Courts, rather than the Department of the Prosecuting Attorney of the City and County of Honolulu, and further requiring such reporting to be conducted on an annual basis, with the first report due prior to the Regular Session of 2019;
- (10) Changing its effective date to January 1, 2018; and
- (11) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 306, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 306, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


LORRAINE R. INOUE
Chair


HENRY J.C. AQUINO
Co-Chair


GILBERT S.C. KEITH-AGARAN
Co-Chair


SCOTT Y. NISHIMOTO
Co-Chair


MAILE S.L. SHIMABUKURO
Co-Chair


SEAN QUINLAN
Co-Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

CCR 164

Bill / Concurrent Resolution No.: HB 306, HD 2, SD 2	Date/Time: 4/26/17 10:10 AM
--	---

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUYE, Lorraine R., Chr.	✓				AQUINO, Henry J.C., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				QUINLAN, Sean, Co-Chr.	✓			
					MCDERMOTT, Bob	✓			
TOTAL	3				TOTAL	4			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:
 Original
 Yellow
 Pink
 Goldenrod
File with Conference Committee Report
House Clerk's Office
Senate Clerk's Office
Drafting Agency