

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 494
S.D. 2

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 494, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to require persons charged with operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant to be fitted with a continuous alcohol monitoring device if the person:

- (1) Is so charged within five years of a prior conviction for operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant; or
- (2) Has a criminal investigation or prosecution that is pending for one or more prior charges of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; and SCRAM Systems. Your Committees received



testimony in opposition to this measure from Smart State, LLC. Your Committees received comments on this measure from the Mothers Against Drunk Driving Hawaii.

Your Committees find that the National Highway Traffic Safety Administration reported that forty-one percent of all traffic fatalities in Hawaii were alcohol related, versus the national average of thirty-one percent. Moreover, between 2008 and 2012, eleven percent of all alcohol-related fatalities in Hawaii involved a driver who was previously convicted of operating a vehicle under the influence of an intoxicant. This measure seeks to decrease alcohol-related fatalities and accidents by requiring repeat offenders to be fitted with a continuous alcohol monitoring device.

Your Committees have amended this measure by:

- (1) Deleting language that established procedures for a court to determine whether a person lacks financial ability to pay for the monitoring device;
- (2) Inserting language that requires the prosecuting attorney of each county and the Attorney General to contract with selected continuous alcohol monitoring device vendors to provide financial relief for the costs of the monitoring devices to certain persons;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 494, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 494, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

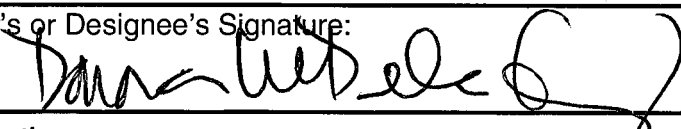
Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 404, SDI	Committee Referral: TRE, JDL/WAM	Date: 2/28/17		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 494, SDI	TRE, SDL/WAM	2/28/17		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood				/
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn				/
TOTAL	8			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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