



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 7, 2020
1:15 P.M.
State Capitol, Room 225

S.B. 2235
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Senate Committee(s) on Transportation and Public Safety, Intergovernmental, and
Military Affairs

The Department of Transportation (DOT) **supports with amendments** S.B. 2235 which deposits fines for repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund.

Highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive.

Presently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, with the exception of alcohol blood testing within the City and County of Honolulu. This drug and alcohol testing performed by private laboratories is costly.

Testing of blood for drugs is currently conducted by an out-of-state private laboratory, which takes time to perform. Occasions have occurred where the test results were not timely for trial, thereby cases were dismissed.

Court cases involving drunk or drugged driving can become extremely costly when the prosecution subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of state.

Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations, which will be used in court. Some of these State-run laboratories perform other testing functions,

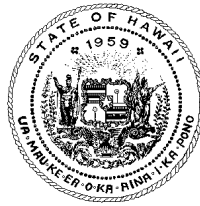
such as work place drug testing; post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can further reduce costs for the State.

DOT supports the establishment of a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory. However, we request that the funds be expended by the Department of Health, rather than the Department of Public Safety.

DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Having a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Shari L. Kimoto
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2235
RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

by
Nolan P. Espinda, Director

Senate Committee on Transportation
Senator Lorraine R. Inouye, Chair
Senator Breene Harimoto, Vice Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

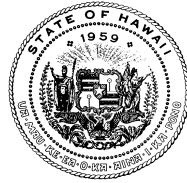
Friday, February 7, 2020; 1:15 p.m.
State Capitol, Conference Room 225

Chairs Inouye and Nishihara, Vice Chairs Harimoto and Wakai, and Members of the Committees:

The Department of Public Safety (PSD) supports Senate Bill (SB) 2235, which proposes to deposit fines for repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund, and offers the following comment.

Section 1 on page 1, lines 13 – 15 proposes that moneys in the special fund shall be expended by the department of public safety to support a state drug and alcohol toxicology lab. PSD has been informed that these moneys are to fund the Department of Health laboratory, which is separate and apart from our department. As such, PSD recommends that lines 13 – 15 be amended as follows: “Moneys in the special fund shall be expended by the department of health public safety to support the department of health state drug and alcohol toxicology laboratory.”

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB2235
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

Hearing Date: February 7, 2020

Room Number: 225

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) supports the intent of SB2235 and
3 recommends amendments consistent with ongoing discussions within the Executive Branch
4 regarding a state and drug and alcohol toxicology laboratory.

5 Presently, testing of blood and urine samples obtained for the purpose of cases involving the
6 operation of a motor vehicle while under the influence of an intoxicant is performed by private
7 laboratories, except for alcohol blood testing within the City and County of Honolulu. This drug
8 and alcohol testing performed by private laboratories is costly.

9 Other states find that costs for drunk and drugged driving cases are greatly reduced when their
10 State-run laboratories perform the testing and confirmations, which will be used in court. Some
11 of these State-run laboratories perform other testing functions, such as workplace drug testing;
12 postmortem drug testing; the testing of inmates and parolees; etc. Such test functions can further
13 reduce costs for the State.

14 DOH supports expanding the role of the State Laboratories Division the State's drug and alcohol
15 toxicology testing laboratory. To accomplish this, moneys would need to be appropriated to the

1 Department of Health, rather than the Department of Public Safety. Thank you for the
2 opportunity to testify.

3 **Offered Amendments:**

4 Page 1, Lines 12- 14:

5 "Moneys in the special fund shall be expended by the department
6 of [~~public safety~~] health to support a state drug and alcohol
7 toxicology laboratory."

8 Page 9, from Line 18:

9 "The sums appropriated shall be expended by the department of
10 health for purposes of this Act."

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON TRANSPORTATION AND
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
ON
SENATE BILL NO. 2235

February 7, 2020
1:15 p.m.
Room 225

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

The Department of Budget and Finance offers comments on the creation of the State Drug and Alcohol Toxicology Testing Laboratory Special Fund (SDATTLSF).

Senate Bill (S.B.) No. 2235 establishes the SDATTLSF within the Department of Public Safety to support an intoxicant testing laboratory intended for further research, development, and related technologies. The SDATTLSF would generate revenues through the deposit of fines collected from repeat offenders, habitual offenders, and offenders who operate a vehicle after the license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant. Other sources of revenues for the SDATTLSF would include legislative appropriations, grants and gifts, and any income and interest earnings. The bill does not contain an appropriation for the special fund.

As a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS.

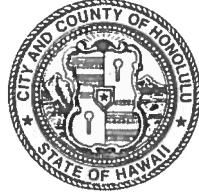
Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding S.B. No. 2235, it is difficult to determine whether the proposed special fund fulfills these requirements.

Thank you for your consideration of our comments.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org

KIRK CALDWELL
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

February 7, 2020

The Honorable Lorraine R. Inouye, Chair
and Members
Committee on Transportation
The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chairs Inouye and Nishihara and Members:

SUBJECT: Senate Bill No. 2235, Relating to the Use of Intoxicants While Operating a Vehicle

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2235, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the establishment of a special fund that would assist with the creation of a state drug and alcohol toxicology testing laboratory. We believe a locally based laboratory would eventually save time and money for the required testing of evidence in criminal cases.

The HPD urges you to support Senate Bill No. 2235, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink that reads "Susan Ballard".

Susan Ballard
Chief of Police

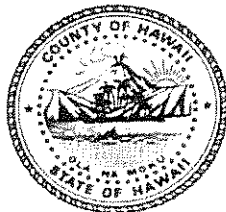
Sincerely,

A handwritten signature in black ink that reads "Calvin Tong".

Calvin Tong, Major
Traffic Division

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2235, WITH AMENDMENTS

A BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

COMMITTEE ON TRANSPORTATION

Sen. Lorraine R. Inouye, Chair
Sen. Breene Harimoto, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Sen. Clarence K. Nishihara, Chair
Sen. Glenn Wakai, Vice Chair

Friday, February 7, 2020, 1:15 p.m.
State Capitol, Conference Room 225

Honorable Chair Inouye, Honorable Vice Chair Harimoto, and Members of the Committee on Transportation and Honorable Chair Nishihara, Honorable Vice Chair Wakai, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2235, with Amendments.

Senate Bill 2235 establishes a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory.

Highway safety in Hawai'i is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive.

Presently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, with the exception of alcohol blood testing within the City and County of Honolulu. This drug and alcohol testing performed by private laboratories is costly.

Testing of blood for drugs is currently conducted by an out-of-state private laboratory. The development of a State-run laboratory to conduct this necessary testing will eliminate the reliance on a private lab.

Court cases involving drunk or drugged driving can become extremely costly when the prosecution subpoenas experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of state.

Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations, which will be used in court. Some of these State-run laboratories perform other testing functions, such as work place drug testing, post mortem drug testing, the testing of inmates and parolees, etc. Such test functions can further reduce costs for the State.

The Office of the Prosecuting Attorney of the County of Hawai'i is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Having a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of Senate Bill 2235, however, we request that the funds be expended by the Department of Health, rather than the Department of Public Safety. Thank you for the opportunity to provide testimony.



Date: February 6, 2020

To: Lorraine R. Inouye, Chair
Breene Harimoto, Vice Chair
Members of the Senate Committee on Transportation

Clarence K. Nishihara, Chair
Glenn Wakai, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

Re: Support for SB2235 Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: February 7, 2020 at 1:15pm in Conference Room 225

The Maui MPO Policy Board is in **support of SB2235** to deposit fines for repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund.

This bill would discourage people from driving under the influence of drugs and alcohol, and provide needed funding for toxicology testing. Hawai'i ranks 5th worst in the nation for percentage of alcohol-impaired driving fatalities¹. We commend the legislature for the desire to reverse this trend and work towards eliminating deaths on our roadways.

Of the 23 traffic fatalities on Maui in 2019, 15 crashes involved drivers under the influence of drugs or alcohol. Following a County Council resolution and Mayor's proclamation in support of road safety, Maui MPO is working to develop a Vision Zero Action Plan to eliminate traffic fatalities and serious injuries through a combination of education, engineering and enforcement. SB2235 complements state and county vision zero efforts to eliminate traffic fatalities.

Please support SB2235 to save lives on our roadways.

¹ National Highway Traffic Safety Administration (NHTSA), accessed online:
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

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LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY



**THE HONORABLE LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION**

**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL & MILITARY AFFAIRS**

**Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i**

February 7, 2020

RE: S.B. 2235; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Inouye, Chair Nishihira, Vice Chair Harimoto, Vice Chair Wakai, members of the Senate Committee on Transportation, and members of the Senate Committee on Public Safety, Intergovernmental & Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2235.

The Department believes the State would benefit from having a state drug and alcohol toxicology testing laboratory—in terms of improved cost efficiency, more streamlined procedures, and perhaps even increased public safety—and supports the idea of using relevant fines to support such an endeavor.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 2235. Thank you for the opportunity to testify on this matter.



Mothers Against Drunk Driving HAWAII
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Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

February 7, 2020

To: Senator Lorraine R. Inouye, Chair, Senate Committee on Transportation;
Senator Breene Harimoto, Vice Chair; and members of the Committee

Senator Clarence Nishihara, Chair, Senate Committee on Public Safety,
Intergovernmental, and Military Affairs; Senator Glenn Wakai, Vice Chair;
and members of the Committee

From: Arkie Koehl and Carol McNamee, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2235 – Relating to the Use of Intoxicants While Operating a Vehicle

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of Senate Bill 2235 – relating to the Use of Intoxicants While Operating a Vehicle.

Hawaii's annual fatality statistics reveal an increasing number of highway deaths connected to the presence of drugs. In 2017, the number exceeded alcohol-related fatalities. MADD therefore supports measures that give law enforcement the necessary tools to be able to arrest and convict impaired drivers – whatever their substance(s) of intoxication might be. Underground chemists are now able to synthesize new drugs at a rapid rate.

In order to reduce the tragic impaired driving crashes that plague our state, law enforcement must be able obtain the identification or confirmation of the suspected substance or substances that a driver may have consumed. For many years, blood samples have been sent to a mainland laboratory equipped to do the necessary toxicology testing. This has been a very expensive and lengthy method of obtaining needed information for OVUII trials. A funded drug lab in Hawaii is essential for giving law enforcement the necessary information needed to present to the Court and ultimately remove dangerous drivers from our roads.

House Bill 2003 establishes the sources of the needed Laboratory funding including the fines that OVUII offenders pay now and possible additional sources. MADD believes a funded drug and alcohol toxicology lab is essential to reducing death and injury on Hawaii roads. Continuing to use mainland laboratories is an expensive and unworkable answer. It seems appropriate to use fines from those convicted of impaired driving related crimes to support the drug and alcohol toxicology laboratory.

MADD strongly encourages this committee to pass HB 2235, relating to the use of intoxicants while operating a vehicle.

Thank you for this opportunity to testify.

SB-2235

Submitted on: 2/6/2020 8:43:05 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

Could you include electronic devices, please

LATE

SB-2235

Submitted on: 2/7/2020 11:02:38 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Benes	Individual	Support	No

Comments: