
A BILL FOR AN ACT

RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§291E- Illegal operation of a vehicle while under
5 court order of revocation of privilege to operate a
6 vehicle. (a) A person commits the offense of illegal
7 operation of a vehicle while under court order of
8 revocation of privilege to operate a vehicle if the person
9 operates or assumes actual physical control of a vehicle
10 after the person has had the person's privilege to operate
11 a vehicle revoked by a court order pursuant to this
12 chapter, or revoked by a court order pursuant to section
13 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those
14 provisions were in effect on December 31, 2001.

15 (b) It is an affirmative defense that the person had
16 had the person's privilege to operate a vehicle restored by
17 court order prior to the date of the alleged offense.

1 (c) Illegal operation of a vehicle while under court
2 order of revocation of privilege to operate a vehicle is a
3 class C felony.

4 (d) If the person convicted of violating this section
5 is a habitual operator of a vehicle while under the
6 influence of an intoxicant, as defined by section 291E-
7 61.5, the person shall be sentenced to permanent revocation
8 of privilege to operate a vehicle and to an indeterminate
9 term of imprisonment of five years, without possibility of
10 suspension of sentence or probation.

11 (e) If the person convicted of violating this section
12 is not an habitual operator of a vehicle while under the
13 influence of an intoxicant, as defined by section 291E-
14 61.5, the person shall be sentenced to a five-year
15 revocation of privilege to operate a vehicle, to commence
16 upon the release of the person from the period of
17 imprisonment imposed pursuant to this section, and to:

18 (1) An indeterminate term of imprisonment of five
19 years; or

20 (2) A five-year term of probation, with terms and
21 conditions to include, but not be limited to,
22 ninety days of imprisonment, which shall not be
23 suspended.

1 §291E- Illegal operation of a vehicle while under
2 court order of suspension of privilege to operate a
3 vehicle. (a) A person commits the offense of illegal
4 operation of a vehicle while under court order of
5 suspension of privilege to operate a vehicle if the person
6 operates or assumes actual physical control of a vehicle
7 during a period of time for which the person has had the
8 person's privilege to operate a vehicle suspended by a
9 court order pursuant to this chapter, or suspended by a
10 court order pursuant to section 200-81, 291-4, 291-4.4,
11 291-4.5, or 291-7 as those provisions were in effect on
12 December 31, 2001.

13 (b) Any person convicted of violating this section
14 shall be sentenced as follows:

15 (1) For a first offense, or any offense not preceded
16 within a five-year period by conviction for an
17 offense under this section:

18 (A) A term of imprisonment of not less than
19 three consecutive days but not more than
20 thirty days, which shall not be suspended;

21 (B) A fine of not less than \$250 but not more
22 than \$1,000; and

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1 (C) Revocation of license and privilege to
2 operate a vehicle for an additional year;

3 (2) For an offense that occurs within five years of a
4 prior conviction for an offense under this
5 section:

6 (A) Thirty consecutive days imprisonment, which
7 shall not be suspended;

8 (B) A \$1,000 fine; and

9 (C) Revocation of license and privilege to
10 operate a vehicle for an additional two
11 years; and

12 (3) For an offense that occurs within five years of
13 two or more prior convictions for offenses under
14 this section:

15 (A) One year imprisonment, which shall not be
16 suspended;

17 (B) A \$2,000 fine; and

18 (C) Permanent revocation of the person's license
19 and privilege to operate a vehicle.

20 The period of revocation shall commence upon the release of
21 the person from the period of imprisonment imposed pursuant
22 to this section."

1 SECTION 2. Section 291E-62, Hawaii Revised Statutes,
2 is amended by amending the title and subsection (a) to read
3 as follows:

4 "§291E-62 Operating a vehicle after license and
5 privilege have been administratively suspended or revoked
6 for operating a vehicle under the influence of an
7 intoxicant; penalties. (a) No person whose license and
8 privilege to operate a vehicle have been revoked,
9 suspended, or otherwise restricted pursuant to this section
10 or to part III [~~or section 291E-61 or 291E-61.5,~~] of this
11 chapter, or to part VII or part XIV of chapter 286 [~~or~~
12 ~~section 200-81, 291-4, 291-4.4, 291-4.5, or 291-7]~~ as those
13 provisions were in effect on December 31, 2001, shall
14 operate or assume actual physical control of any vehicle:

- 15 (1) In violation of any restrictions placed on the
16 person's license; or
17 (2) While the person's license or privilege to
18 operate a vehicle remains suspended or revoked."

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

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1 SECTION 4. This Act shall take effect on January 1,
2 2008.

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INTRODUCED BY: Calvin K. By

BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CHAPTER 291E,
HAWAII REVISED STATUTES.

PURPOSE: To create a felony charge for those who
drive after a court revoked their license
for DUI convictions and a new criminal
offense for those who drive after a court
suspended their license for DUI convictions.

MEANS: Add two new sections to chapter 291E and
amend section 291E-62, Hawaii Revised
Statutes.

JUSTIFICATION: People who continue to drive despite having
had their licenses revoked or suspended due
to DUI convictions are a danger to everyone
else driving or walking on a roadway. Our
citizens need to be protected from these
individuals who act without regard to the
law, court orders, or the well-being of
others. This bill makes it a felony offense
for a person to continue to drive in
violation of a court order revoking or
suspending his license.

Impact on the public: Members of the public
will be safer when driving because DUI
recidivism should decrease due to the
enhanced penalties contained in this bill.

Impact on the department and other agencies:
Police departments will have additional
charges to bring when those who have had
their driver's licenses revoked or suspended
continue to drive.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: None.

OTHER AFFECTED AGENCIES: Judiciary, county police, county prosecutors, and the Office of the Public Defender.

EFFECTIVE DATE: January 1, 2008.