



OFFICE OF THE LIEUTENANT GOVERNOR

State Capitol, Fifth Floor
Honolulu, Hawaii 96813
Phone: (808)586-0255
Fax: (808)586-0231
email: ltgov@hawaii.gov
www.hawaii.gov/ltgovr

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

**TESTIMONY ON H.B. 606
A BILL FOR AN ACT RELATING TO
INTOXICATING LIQUOR**

**James R. Aiona, Jr., Lieutenant Governor
Office of the Lieutenant Governor**

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**Representative Robert N. Herkes, Chair
Representative Glenn Wakai, Vice-Chair**

HOUSE COMMITTEE ON JUDICIARY

**Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair**

**Monday, February 2, 2009
2:00 p.m., Conference Room 325**

Good Afternoon Chair Herkes, Chair Karamatsu, Vice-Chair Wakai, Vice Chair Ito, and Members of the Committees:

I appear before you today to oppose passage of H.B. 606, which would allow courts to impose monetary fines as a penalty for underage drinking violations as an alternative to suspending the drivers' licenses of those under the age of 21 convicted or adjudicated of these offenses, as currently mandated by the "Use and Lose" law (Act 203, SLH 2006).

Reducing underage drinking is and has been a high priority for this Administration. Alcohol is by far the number-one drug of choice for Hawai'i youth. It is an entry-level drug that often leads to abuse of other illegal substances, such as marijuana or crystal methamphetamine. In 2007, close to 59% of Hawaii high school students had consumed alcohol at least once in their life, with 29% of them having done so in the past

30 days. 15% engaged in binge drinking (five or more drinks of alcohol in a row) in the past 30 days. 21% of students had their first drink before age 13.¹

Moreover, even if it never leads to the abuse of other illicit drugs, underage alcohol use, in and of itself, places our entire community at risk. Underage drinking has long been associated with poor academic performance, violence, suicide, risky sexual activities, victimization, other problem behaviors, and even death. The numbers help tell the story:

- Underage alcohol use is more likely to kill young people than all other illegal drugs combined.²
- Motor vehicle crashes are the leading cause of death among youth ages 15 to 20.³
- In 2005, underage drinking cost the citizens of Hawai'i \$215 million.⁴

Clearly, underage drinking must be addressed not only with strong measures, but also with strong messages in order to change the often permissive culture and attitudes surrounding alcohol use. Underage drinking can not be viewed as a minor infraction or a simple "rite of passage" for our teens. If we do not treat underage drinking as the serious societal problem that it is, we only perpetuate its destructive cycle. Each time we learn about another young life lost as a result of underage alcohol use, we are reminded that the consequences could have been avoided if we as a society had taken the necessary steps to prevent that your person from obtaining and using alcohol in the first place.

As a former Family Court Judge, I saw first hand the devastating consequences of illegal underage drinking on our community. I know that a driver's license is often a young person's most prized possession, because it represents to them their emerging freedom and independence. That is why I joined many others in the community concerned about underage drinking and pushed for a "Use and Lose" law in Hawaii, which went into effect on January 1, 2007. With the passage of the "Use and Lose," Hawaii joined 40 other states that have some form of "Use and Lose" laws on the books as a means to reduce and deter underage drinking.⁵

H.B. 606, by allowing for monetary fines as an alternative disposition or sentence circumvents the strategy behind the "Use and Lose" model by obviating the requirement that courts suspend the driving privileges of those who violate our underage drinking laws. For the specific age group we are attempting to reach, we believe that monetary fines will not have the same deterrent effect as the mandatory suspension of driving

¹ Hawaii Youth Risk Behavior Surveys (2007)

² "Alcohol Alert" National Institute on Alcohol Abuse and Alcoholism, No. 59, April 2003.

³ "Alcohol Alert" National Institute on Alcohol Abuse and Alcoholism, No. 59, April 2003.

⁴ "Underage Drinking in Hawaii: The Facts" Pacific Institute for Research and Evaluation, October 2006.

⁵ Alcohol Policy Information System, National Institute on Alcohol Abuse and Alcoholism, National Institute of Health (2008).

privileges. H.B. 606 also would reduce underage drinking offenses under the relevant section from a petty misdemeanor to a “violation” subject to citation, and treat such violation as a “traffic infraction” for purposes of disposition even though there is not a necessary nexus between the specific offenses and actual traffic infractions. Furthermore, reducing the severity of the offense also conveys a message to our young people that we are de-emphasizing the seriousness of underage drinking in our community and de-escalating our collective efforts against it, when in fact, the opposite should be the case.

For the foregoing reasons, we ask you to hold H.B. 606 and maintain our commitment and efforts to stem underage drinking in the state through measures such as the Use & Lose law.

Thank you for the opportunity to testify.



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

House Committee on Consumer Protection & Commerce

The Honorable Robert N. Herkes, Chair

The Honorable Glenn Wakai, Vice Chair

House Committee on Judiciary

Jon Riki Karamatsu, Chair

Ken Ito, Vice Chair

Monday, February 2, 2009, 2:00 p.m.

State Capitol, Conference Room 325

by

Iris Murayama

Deputy Chief Court Administrator

District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 606, Relating to Intoxicating Liquor

Purpose: Prohibits attempts by minors using false identification to purchase liquor by establishing fines and other penalties. Designates 50% of revenues from fines to county programs for underage drinking awareness and prevention. Authorizes the issuance of citations as an alternative to arrest for violations associated with intoxicating liquor.

Judiciary's Position:

The Judiciary takes no position on the merits of House Bill No. 606 but respectfully wishes to share two main concerns. First, the bill as presently drafted contains conflicting penalty provisions as explained in the penalties section below. Further, the citing officers may not have access to a person's record at the time the citation is issued and thus may be unaware of which enhanced penalty to note on the citation. Second, the bill presents two operational concerns. As presently drafted, the bill will require a change in Judiciary operations, especially as it relates to fiscal operations and the creation of a specific citation. There will also be difficulty in timely processing these cases given the proposed seven (7) day deadline.



House Bill No. 606, Relating to Intoxicating Liquor
House Committee on Consumer Protection & Commerce /
House Committee on Judiciary
Monday, February 2, 2009
Page 2

Penalties

The bill would allow a citing officer to either arrest or issue a citation. In one section, the proposed citation requires a person to appear in court and failure to do so subjects the person to a full misdemeanor charge. However, in another section the bill states that the citation should be treated like civil traffic infractions governed by Chapter 291D of the Hawaii Revised Statutes (HRS).

Thus, it is unclear whether the legislature intends to “decriminalize” these offenses or treat them as criminal offenses, which entitle defendants to constitutional rights including the right to counsel and the right to a jury trial for full misdemeanor offenses.

Further, citations which currently require a person to appear in court are processed differently from citations that allow a person to pay a monetary assessment (i.e., traffic infractions pursuant to Chapter 291D of the Hawaii Revised Statutes (HRS), as explained below).

For citations in which a person must appear in court, a bench warrant or penal summons can be issued to bring the person in to court to answer for the charge should the defendant fail to initially appear. This is similar to the language outlined on page 2, lines 20-22 and page 3, lines 1-9. Additionally, the penalty on page 2, lines 17-19 could apply and is consistent with current Judiciary operations.

However, for citations in which a person could pay a monetary assessment as outlined on page 7, lines 10-22 and page 8, lines 3-5, is inconsistent with the language on page 2, lines 20-22 and page 3, lines 1-9 because:

1. Generally, a person who is able to pay a monetary assessment is not required to appear in court. A person chooses to come to court rather than to pay the monetary assessment.
2. If a person fails to appear in court, a default judgment is entered against the person. The failure of a person to pay the default judgment amount results in a referral to a collection agency. Failure to appear does not result in a criminal charge. Further, in a default judgment situation, only the citation is reviewed and considered by the court, not an individual’s record. Driver’s license suspensions also add to the complexity in determining whether enhanced penalties would apply.



House Bill No. 606, Relating to Intoxicating Liquor
House Committee on Consumer Protection & Commerce /
House Committee on Judiciary
Monday, February 2, 2009
Page 3

Additionally, the enhanced penalties articulated on page 7, lines 10-19 are difficult to specify at the time the citation is issued because information regarding the number of offenses committed by an individual is generally unavailable to the citing officer.

Judiciary Operations

Under this measure, the requirement that the offenses articulated in HRS §281-101.5(b) and HRS §281-101.5(c) be treated as a traffic infraction and disposed pursuant to Chapter 291D of the HRS would require changes to the Judiciary's computer system and processes. Further clarification regarding the effect on a person's traffic abstract will be required by the Judiciary because the offenses in HRS §281-101.5(b) and HRS §281-101.5(c) are generally not related to a motor vehicle.

In addition to the operational impacts articulated above, the requirement that a person appear in court within seven (7) days of receiving the citation is too short of a time period for the Judiciary to receive the citation from the issuing officer and to process the citation for the court date. The Judiciary would prefer a minimum of thirty (30) calendar days to receive and adequately process the citation for court.

The Judiciary would appreciate a clarification regarding "revenues" as used on page 8, lines 6-8. For accounting purposes, "revenues" is too ambiguous. Many violations have statutorily required surcharges and fees added to a fine amount, thus making the determination of "revenues" difficult for accounting.

Additionally, an effective date of January 1, 2010 would assist the Judiciary in developing, ordering and distributing the new citation form to law enforcement while minimizing the impact on the Judiciary's budget. Necessary changes to the Judiciary's computer systems will also benefit from the longer effective date.

Thank you for the opportunity to submit testimony on this measure.



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

H.B. NO. 606, RELATING TO INTOXICATING LIQUOR.

BEFORE THE:

HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE
AND ON JUDICIARY

DATE: Monday, February 2, 2009 **TIME:** 2:00 PM

LOCATION: State Capitol, Room 325

TESTIFIER(S): Mark J. Bennett, Attorney General
or Mark K. Miyahira, Deputy Attorney General

Chair Herkes, Chair Karamatsu, and Members of the Committees:

The Department of the Attorney General strongly opposes this bill because it will undermine the purpose of Act 203, Session Laws of Hawaii 2006 and weaken the authority of law enforcement officers to enforce chapter 281, Hawaii Revised Statutes (HRS), regarding intoxicating liquor.

This bill will eliminate the mandatory driver's license suspension provisions for those under 21 years of age by giving the court the option to issue fines instead of license suspensions. It will decriminalize the penalties that may be ordered for individuals, ages 18 to 21, who violate section 281-101.5(b) and (c), HRS. It will prohibit persons from using a false ID to enter premises that exclude persons under age 18 or 21. And it will authorize the issuance of citations in lieu of arrest for violations of chapter 281, HRS.

The purpose of Act 203 was to require the suspension of the driver's license of a person under the age of 21 who violates laws relating to the consumption, possession, or use of an intoxicating liquor. The Legislature clearly recognized that "underage drinking is an extremely prevalent problem", and that intoxicating liquor is the "number one drug of choice for teens in Hawaii and is commonly recognized as a gateway drug." The Legislature believed that "knowledge that a conviction for possession of alcohol will result in

temporary loss of driving privileges is likely to deter many potential underage drinkers from possessing alcohol until they are legally entitled to do so", and that Act 203 could "save lives by deterring underage drinking and drunk driving." Conference Committee Report No. 13-06, in House Journal, Regular Session of 2006, at page 1778.

House Bill No. 606 will undermine the purpose of Act 203 by eliminating the mandatory driver's license suspension provisions for those under 21 years of age by giving the court the option to issue fines instead of suspensions. The bill will also eliminate the mandatory provision of seventy-five hours of community service work and an eight- to twelve- hour program of alcohol education and counseling, as the court has the option to issue a fine in lieu of these penalties.

We also oppose the bill's amendment of section 281-80, HRS, which will require law enforcement officers to issue a summons or citation to a person who violates any provision of chapter 281 in lieu of arrest, unless so required by state law. This amendment will virtually strip law enforcement officers of their authority to arrest individuals who violate any provision of chapter 281. An individual commits the offense of exclusion of intoxicated person from premises in violation of section 281-84 when the person, being under the influence of liquor, enters into any place licensed to sell liquor, or remains in the premises after having been asked to leave by the licensee or the licensee's employee. This bill will require a law enforcement officer to issue a summons or citation to a person who allegedly violates section 281-84, rather than arrest and remove the person from the premises.

This bill will also require that a citation be treated as a traffic violation for purposes of disposition pursuant to chapter 291D, if the citation is for a violation of section 281-101.5(b) and (c) and the person is subject to the penalties set forth in subsection (f) (1) or (2). This procedure trivializes the serious problem of underage drinking.

Furthermore, this bill will allow minors visiting from other states and countries to avoid any consequences for underage drinking. Under this bill, the visiting minors could not only avoid the risk of being placed under arrest for underage drinking but they could leave the State without having to appear in court to answer for their unlawful conduct.

Finally, the proposed wording in subsection (f) on page 2 is vague.

We respectfully request that this measure be held.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE
PROSECUTING ATTORNEY

Douglas S. Chin
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE ROBERT HERKES, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
THE HONORABLE JON RIKI KARAMATSU, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai'i**

February 2, 2009

RE: H.B. 606; RELATING TO INTOXICATING LIQUOR.

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, Chair Karamatsu and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in opposition to House Bill 606.

The purpose of this bill is to amend the sanctions for minors found to: 1) have consumed or purchased liquor; or 2) using false identification to buy or attempt to buy liquor or gain entry to the premises of a liquor licensee, by authorizing fines in lieu of the current sanctions of a suspension of driver's license or eligibility to obtain a license, 75 hours of community service work, and 8 to 12 hours in an alcohol education and counseling program. In addition, this bill requires arrest by citation only and prohibits physical arrest for violations of Hawaii Revised Statutes (HRS) chapter 281 unless state law or rules adopted pursuant to state law requires physical arrest for the violation; HB 606 further requires that citations issued be treated like a civil traffic infraction. Finally, HB 606 provides that 50% of the fines collected for first and second violations for illegal consumption or purchase of alcohol by a minor, go to the county in which the violation occurred and be used for anti-underaged drinking programs.

Underaged drinking is an extremely prevalent problem. It has been estimated that a higher percentage of youths between ages 12 to 20 use alcohol (29%) than use tobacco (23.3%) or illicit drugs (14.9%). National statistics show that in 2002, about 2 million minors aged 12 to

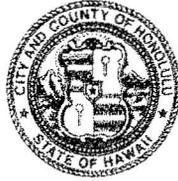
20 drank five or more drinks on an occasion, five or more times a month. And alcohol consumption by underage drinkers is strongly linked to death and injury in vehicle collisions, as well as homicides, suicides, sexual assaults, and unintentional injuries (other than those caused by motor vehicle crashes). Given that most minors and teens greatly cherish the privilege and freedom of driving, we believe that the driver's license suspensions currently mandated under the law serves as a significant deterrent to underaged drinking. We therefore have serious reservations about watering down the sanctions to permit fines in lieu of the license suspensions.

We also have concerns regarding the requirements in the bill that prohibit the physical arrest of persons found violating any of the provisions of HRS chapter 281 unless state statutes or rules adopted pursuant to HRS chapter 281 provide otherwise. We note that HRS chapter 281 contains several misdemeanors and petty misdemeanors and that currently under HRS section 803-6, police and enforcement officers already have the ability to cite someone for a misdemeanor or petty misdemeanor in lieu of physical arrest when certain criteria are met. We are not aware of any reasons or circumstances why the current status should be changed to prohibit physical arrest for violations of HRS chapter 281 unless another statute or rule is passed to permit it.

For these reasons, we oppose the passage of HB 606 and we thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org

MURI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE MT-JNB

February 2, 2009

The Honorable Robert N. Herkes, Chair
and Members
Committee on Consumer Protection
and Commerce
The Honorable Jon Riki Karamatsu, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Herkes and Karamatsu, and Members,

Subject: House Bill No. 606, Relating to Intoxicating Liquor

I am Michael Thomas, Major of the Juvenile Services Division, Honolulu Police Department.

The Honolulu Police Department opposes House Bill No. 606, Relating to Intoxicating Liquor. Passage of this bill would allow the courts to not impose the driver's license suspensions required by the "Use and Lose" law on statewide basis.

Passage of this bill will allow monetary fines to be imposed for underage drinking offenses as an alternative disposition to the mandatory driver's license suspension under Section 281-101.5, Prohibitions involving minors; penalty.

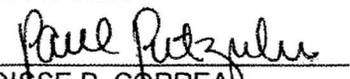
The Honolulu Police Department urges you to oppose House Bill No. 606.

Thank you for the opportunity to testify.

Sincerely yours,


MICHAEL THOMAS, Major
Juvenile Services Division

APPROVED:

for: 
BOISSE P. CORREA
Chief of Police

Serving and Protecting With Aloha



Mothers Against Drunk Driving HAWAII
700 Bishop Street, Suite 1111
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.org

February 2, 2009

To: Representative Robert Herkes, Chair – House Committee on Consumer Protection & Commerce; Representative Glenn Wakai, Vice Chair; and Members of the Committee

Representative Jon Riki Karamatsu, Chair – House Committee on Judiciary;
Representative Ken Ito, Vice Chair; and Members of the Committee

From: Arkie Koehl, Public Policy Committee – MADD-Hawaii

Re: House Bill 606 – Relating to Intoxicating Liquor

I am Arkie Koehl, offering testimony in opposition to section 2 (f, g, h and i) of HB 606 on behalf of the members of Mothers Against Drunk Driving – Hawaii. The cited sections of this otherwise sound bill would allow fines as an alternative to loss of drivers license in underage drinking sentences.

In the view of MADD, this is effectively an attempt to nullify Hawaii's "Use & Lose" law which has been the law for two years. The law is based on solid research showing that loss of license is a greater deterrent to underage drinking than other penalties such as fines. By adding fines as an optional sanction, HB 606 ignores the research and renders "Use & Lose" essentially meaningless.

A similar attempt to downgrade "Use & Lose" was defeated during the 2007 session, shortly after the law took effect. That attempt inserted the option of a fine for all counties except Honolulu; the current bill covers the entire state, making it even more counterproductive than the failed 2007 effort.

The current "Use & Lose" law already permits exceptions to license loss in the case of a need to drive for school or work purposes. To further weaken it flies in the face of research.

Nothing has significantly changed since the Legislature saw fit to pass "Use & Lose" in 2006. Nor have the serious consequences of underage drinking decreased during that time. These consequences include:

- Alcohol related traffic crashes
- Youth crime
- Suicide
- Alcohol poisoning
- Rapes and assaults
- Unintentional injures

Alcohol remains the number one drug of choice for teens and young adults and it kills more youth than all of the other illegal drugs combined. Underage drinking costs U.S. society billions of dollars annually.

A significant majority of states have adopted "Use and Lose" measures. Laws related to underage drinking must be strong enough to deter Hawaii's youth from engaging in this destructive behavior. A \$100 fine won't do it.

MADD respectfully asks the Committee members to reconfirm the mandatory statewide penalties which became law in 2007, by deleting section 2 (f, g, h and i) from this bill. Thank you for this opportunity to testify.

wakai1-Karen

From: Craig Tanaka [ctanaka@mauiprince.com]
Sent: Wednesday, January 28, 2009 4:51 PM
To: CPCtestimony
Subject: HB 606

Honorable Representatives of the Committee on Consumer Protection & Commerce, the Committee on Judiciary, and the Committee on Finance:

RE: Hearing on 2 February 2009, 2:00pm
HB 606

I urge you to strike the proposed sections "f", "g", "h", and "i" on pages 7-9 of the amendment on HB 606.

The institution of simple fines in lieu of the mandatory suspension of licenses removes any accountability, and responsibility, on the part of any youth who chooses to disregard the underage drinking law. Revocation presents a stronger value than monetary fines when one contemplates the "risk/reward" in decisions.

I disagree with the proposed amendment and ask that the Use & Lose law be left as is.

Craig H. Tanaka | Director of Loss Prevention
Maui Prince Hotel, Makena Resort & Golf Courses
5400 Makena Alanui | Makena, Maui, HI 96753
Direct: 808.875.5813 | Mobile: 808.268.6550
Main : 808.874.1111 | Fax: 808.875.5891
Email: ctanaka@MauiPrince.Com
Website: www.PrinceResortsHawaii.Com

Rediscover all that's "new" at the Maui Prince Hotel, Makena Resort & Golf Courses

www.princerestortshawaii.com/mauirejuvenation

 Please consider the environment before printing this e-mail

This electronic message transmission contains information from the Company that may be proprietary, confidential and/or privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, be aware that any disclosure, copying or distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify the sender immediately by replying to the address listed in the "From:" field.

wakai1-Karen

From: Nancy Stockert [stockert@hawaii.edu]
Sent: Thursday, January 29, 2009 10:52 AM
To: CPCtestimony
Subject: HB 606 Relating to Intoxicating Liquor

Categories: Purple Category

January 29, 2009

Testimony on HB 606, Relating to Intoxicating Liquor:

I am the head of the Health Promotion Program at University of Hawaii at Manoa, and have been/am the principle investigator on several grants to prevent the harm associated with alcohol use among young adults. I am the regional director (Alaska, Hawaii and the Pacific) of The Network, a national organization under the auspices of the US Dept of Education, devoted to prevention of drinking, other drugs, and violence in higher education.

I strongly urge that this bill NOT be amended to provide for fines as an alternative to taking the license of someone under 21 in possession of liquor. One of the best methods of reducing underage drinking and the harm associated with drinking and driving is to provide meaningful enforcement and sanctions. States that have initiated strong underage drinking laws have seen declines in drinking and driving. Hawaii is not doing well in regard to percent of the underage population who drink and drive; therefore, we need to impose meaningful sanctions to reduce this problem. Providing for fines in lieu of removing a driver's license simply waters down the impact of this bill. The point of the sanction is to be of some preventive value, to cause people to think before drinking and driving. Also, the sanction should follow from the offense: if one wants to drive, one should drive responsibly. If one doesn't drive responsibly, the priviledge of driving should be taken away.

There already is a provision for a judge to allow driving to and from school and places of work if necessary. This responds to the objections of those who worry that young people won't be able to function without a license if they are in an area with no public transportation.

I urge a vote against this change.

Nancy Stockert, Ph.D.
1929 Kakela Drive
Honolulu, HI 96822



DATE: Monday, February 02,2009
TIME: 2:00 PM
PLACE: Conference Room 325

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

FROM: Hawaii Food Industry Association
Dick Botti, President and Lauren Zirbel, Government Relations

Re: HB 606 RELATING TO INTOXICATING LIQUOR

Thank you Chairman Herkes, Vice Chair Wakai and committee members for the opportunity to testify.

HFIA strongly supports this measure as a fair way to raise funds for county programs for underage drinking awareness and prevention. HFIA members appreciate this approach as there is a clear nexus between fining underage lawbreakers and educating our youth about legal alcohol usage. This bill is a far more logical fundraising approach than SB 697 which uses "fines against licensees to be used for substance abuse treatment and prevention programs, in addition to liquor education programs."

This measure will also likely save the state money, as citations raise money while arresting individuals for violations associated with intoxicating liquor can be costly and burdensome.

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

GOVERNMENT RELATIONS TEAM:
GARY M. SLOVIN
CHRISTOPHER G. PABLO
ANNE T. HORIUCHI
MIHOKO E. ITO

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

TELEPHONE (808) 547-5600 • FAX (808) 547-5880
info@goodsill.com • www.goodsill.com

INTERNET:
gslovin@goodsill.com
cpablo@goodsill.com
ahoriuchi@goodsill.com
meito@goodsill.com

January 31, 2009

TO: Representative Robert N. Herkes
Chair, Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 320

Representative Jon Riki Karamatsu
Chair, Committee on Judiciary
Hawaii State Capitol, Room 302

FROM: Mihoko E. Ito, Esq.

H.B 606 - Relating to Intoxicating Liquor
Hearing Date: Monday, February 02, 2009 @ 2:00 p.m.

Dear Chair Herkes and Members of the Committee on Consumer Protection & Commerce; Chair Karamatsu and Members of the Committee on Judiciary:

I am Mihoko Ito, appearing on behalf of the Distilled Spirits Council of the United States ("DISCUS"). DISCUS is a national trade association representing producers and marketers of distilled spirits sold in the United States. Through the efforts of the Century Council, a not-for-profit organization funded solely by America's leading distillers, the distilled spirits industry develops innovative programs used by communities nationwide to combat drunk driving and illegal, underage drinking.

H.B. 606 proposes to prohibit minors from using false identification to purchase liquor. Under the present penalty scheme, minors who violate this law would be subject to license suspension. Under the proposed penalty scheme in H.B. 606, however, minors who violate the law by using false identification would be subject to either a series of fines or suspension, but not both.

DISCUS opposes H.B. 606 because it seeks to replace effective and enforceable penalties to deter underage drinking with the imposition of fines. DISCUS believes that penalties such as license suspension, community service and alcohol education for underage drinkers who purchase, possess or consume alcohol are effective measures that can help to curb incidents of underage drinking. For this reason, DISCUS does not support replacing those types of penalties with fines, but asks that the existing penalties for underage drinking be kept in place

Thank you very much for this opportunity to present testimony on H.B. 606. We look forward to participating in further discussion on this measure.