STAND. COM. REP. NO. 267

i.e.

Honolulu, Hawaii Feb 15, 2011

RE: H.B. No. 393 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 393 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to enhance the safety of Hawaii's roadways by:

- (1) Amending the driver's license revocation provision to:
 - (A) Require a lifetime revocation for manslaughter involving the operation of a vehicle;
 - (B) Five to ten years for negligent homicide in the first degree; and
 - (C) Two to five years for negligent homicide in the second degree;

and

(2) Allowing up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.



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The Department of the Prosecuting Attorney of the County of Maui (Maui Prosecutor) and Maui Police Department testified in support of this bill.

Over the past several years, Hawaii has had a high incidence of traffic fatalities, including a number of pedestrian fatalities. Sadly, this trend appears to be continuing. One method of addressing this issue has been to require the courts to revoke the license of a driver upon the conviction of the driver of manslaughter resulting from the operation of a motor vehicle. However, the law is presently unclear as to the duration of this revocation. According to the Maui Prosecutor, there have been a number of instances where defendants have requested reinstatement of their license to operate a motor vehicle after only one year of revocation. This measure provides unambiguous guidance to the courts by establishing sentencing guidelines for manslaughter and negligent homicide as a result of operating a motor vehicle.

Your Committee notes, however, that discussions should be continued on this measure to determine the adequacy and reasonableness of the sentencing provisions in this measure. Accordingly, your Committee has amended this bill by changing its effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Transportation,



State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 393	Committee Referral: TRN, JVP	Date:	2/9/11	_
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)				
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.				
4. CULLEN, Ty				
5. LEE, Marilyn B.				
6. LUKE, Sylvia	/		-	
7. SAIKI, Scott K.	/			
8. TAKUMI, Roy M.				
9. YAMASHITA, Kyle T.				
10. FONTAINE, George R.				
11. JOHANSON, Aaron Ling				
TOTAL (11)	l li			
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				