

STAND. COM. REP. NO.

576

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 643
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 643, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the court to order forfeiture of any vehicle owned by a defendant if the vehicle was used in the commission of the excessive speeding offense and if the defendant has at least two prior excessive speeding convictions.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee has heard the concerns of the Office of the Public Defender that the statute being amended is already unduly harsh with a progressive penalty that has led to unintended consequences, and that forfeiture of motor vehicles of repeat offenders will add further unintended consequences. Your Committee believes that striking a balance between highway safety and the rights of the individual is paramount, and that additional review is required.

Your Committee has amended this measure accordingly by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 643, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 643, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB643, SD1	Committee Referral: TIA, JDL	Date: 3-1-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div><input type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution: Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**