STAND. COM. REP. NO. 2933

Honolulu, Hawaii

MAR 2 3 2012

RE: H.B. No. 1928

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Transportation and International Affairs, to which was referred H.B. No. 1928 entitled:

"A BILL FOR AN ACT RELATING TO TESTING FOR INTOXICANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal section 291E-68, Hawaii Revised Statutes, which makes refusal to submit to a breath, blood, or urine test a petty misdemeanor.

Your Committee received testimony in support of this measure from the Office of the Public Defender and Maui County Prosecuting Attorney. Testimony in opposition was received from Mothers Against Drunk Driving.

Your Committee finds that the criminalization of the refusal to submit to a chemical test is causing serious problems with the prosecution of individuals arrested for operating a vehicle under the influence of an intoxicant. Several cases in Maui county have been dismissed because of purported constitutional violations relating to the potential for criminal penalties associated with a defendant's refusal to submit to a chemical test. In lieu thereof, your Committee finds existing law requiring license revocation in an administrative license revocation proceeding to be an adequate penalty.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1928, and recommends that it pass

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Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Transportation and International Affairs,

J. KALANI ENGLISH, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Transportation and International Affairs TIA

Bill / Resolution No.:*	Committee	Referral:	Dat		
HB 1928	_T/+	A, JDL		3-21-	- 12
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)			-		
ESPERO, Will (VC)					
DELA CRUZ, Donovan M.					V
GABBARD, Mike		V,			
KAHELE, Gilbert		1/			-
KOUCHI, Ronald D.					
SLOM, Sam					
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TOTAL		4			3
Recommendation:					
Adopted Not Adopted					
Chair's or Designer's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes