STAND. COM. REP. NO. **222** 

Honolulu, Hawaii

FEB 1 3 2013

RE: S.B. No. 442

S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 442 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a misdemeanor offense of promoting intoxicating liquor to a person under the age of twenty-one for recklessly: selling, offering to sell, influencing the sale, service, delivery, or giving of intoxicating liquor to a person under 21 years or permitting a person under 21 years to possess intoxicating liquor while on property under a liquor licensee's control.

Your Committee received testimony in support of this measure from the Honolulu Police Department, City and County of Honolulu; Department of the Prosecuting Attorney, County of Maui; and Department of Liquor Control, County of Maui. Your Committee received testimony in opposition to this measure from the Honolulu Liquor Commission.

Your Committee finds that the consumption of liquor by minors continues to be a significant public health issue. The goal of this measure is to ensure that those selling, serving, delivering, or giving intoxicating liquor verify the date of birth of the person receiving the intoxicating liquor, resulting in increased compliance with liquor laws. This measure lowers the standard of care expected from licensees when serving liquor to those of

questionable age, from that of knowingly to recklessly, which eases the burden of proof in prosecuting this offense.

Your Committee has amended this measure by deleting its contents and inserting language from H.B. 1060 (Regular Session of 2013), which:

- (1) Amends the existing offense of promoting intoxicating liquor to a person under the age of twenty-one under section 712-1250.5, Hawaii Revised Statutes, to change the state of mind element from "knowingly" to "recklessly"; and
- (2) Amends section 281-78, Hawaii Revised Statutes, to specify that any liquor licensee or its employee that sells, serves, or furnishes any liquor to a minor or allows a minor to consume any liquor shall be guilty of the offense of promoting intoxicating liquor to a person under the age of twenty-one under section 712-1250.5, Hawaii Revised Statutes; and
- (3) Contains a savings clause.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental and Military Affairs,

WILL ESPERO, Chair

## The Senate Twenty-Seventh Legislature State of Hawai'i

## Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee	Referral:	Da	ite:	
SB 442	PSM	,00L		2-5-	2013
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
ESPERO, Will (C)		~			
BAKER, Rosalyn H. (VC)		V			
GALUTERIA, Brickwood					V
GREEN, Josh		~			
SLOM, Sam					V
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TOTAL		3			2_
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:  Rosaly H Ball					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes