STAND. COM. REP. NO. 57

Honolulu, Hawaii

## FEB 2 8 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 Judiciary and Labor, to which was referred S.B. No. 442, S.D. 1, 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:

- Amend the misdemeanor offense of promoting intoxicating liquor to a person under twenty-one years of age to apply to person who recklessly, rather than knowingly, commits the offense; and
- (2) Apply the offense to liquor licensees who provide liquor to any minor or allow a minor to consume liquor.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, County of Maui; Police Department, County of Maui; Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kaua'i; Liquor Commission, City and County of Honolulu; and Police Department, City and County of Honolulu. Testimony in opposition to this measure was submitted by the Office of the Public Defender.

Your Committee finds that this measure will change the level of intent to satisfy the elements of this law from knowingly to recklessly. Your Committee believes that this measure will help increase compliance with the law by necessitating identification



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checks, at minimum, for those that hold liquor licenses as well as hold accountable those persons who allow or influence the sale, possession, or consumption of alcohol to a person under the age of twenty-one.

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. 442, S.D. 1, and recommends that it pass Third Reading.

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

CLAYTON HEE, Chair



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

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee	committee Referral: Date:			/
SB 442 GDI PSM	JDL ر	- 8	2/22/	13
The committee is reconsidering its previous decision on this measure.				
If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended A Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)				
SHIMABUKURO, Maile S.L. (VC)				
GABBARD, Mike				$\checkmark$
IHARA, Jr., Les				$\sim$
SLOM, Sam	~			
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TOTAL	$\underline{\bigcirc}$			0
Recommendation:				
Chair's or Designee'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