A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-61.5, Hawaii Revised Statutes, is 2 amended by amending subsection (b) to read as follows: 3 "(b) For the purposes of this section: "Convicted three or more times for offenses of 4 (1) 5 operating a vehicle under the influence" means that, 6 at the time of the behavior for which the person is 7 charged under this section, the person had three or more times within ten years of the instant offense: 8 9 $\left[\frac{1}{1}\right]$ (A) A judgment on a verdict or a finding of guilty, 10 or a plea of guilty or nolo contendere, for a 11 violation of [this section or] section 291-4[7 12 $291 - 4 \cdot 4 \cdot 4$ or 291-7 as those sections were in effect on December 31, 2001, or section 291E-61 13 14 or 707-702.5; $\left[\frac{2}{2}\right]$ (B) A judgment on a verdict or a finding of guilty, 15 16 or a plea of guilty or nolo contendere, for an offense that is comparable to [this section or] 17 18 section $291-4[\frac{-291-4.4}{-}]$ or 291-7 as those



H.B. NO. ¹¹⁸¹_{H.D. 1}

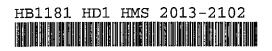
1		antiona wave in offerst on December 21, 2001 and	
1		sections were in effect on December 31, 2001, or	
2		section 291E-61 or 707-702.5; or	
3	[(3)] <u>(C)</u>	An adjudication of a minor for a law or probation	
4		violation that, if committed by an adult, would	
5		constitute a violation of [this section or]	
6		section 291-4[, 291-4:4,] or 291-7 as those	
7		sections were in effect on December 31, 2001, or	
8		section 291E-61 or 707-702.5;	
9	that, at the time of the instant offense, had not been expunged		
10	by pardon, reversed, or set aside. All convictions that have		
11	been expunged by pardon, reversed, or set aside prior to the		
12	instant offense shall not be deemed prior convictions for the		
13	purposes of pr	oving <u>that</u> the [person's status as] person is a	
14	habitual opera	tor of a vehicle while under the influence of an	
15	intoxicant.		
16	<u>(2)</u> "Con	victed one or more times for offenses of	
17	habi	tually operating a vehicle under the influence"	
18	mean	s that, at the time of the behavior for which the	
19	pers	on is charged under this section, the person had	
20	one	or more times within ten years of the instant	
21	offe	nse:	



1	(A)	A judgment on a verdict or a finding of guilty,
2		or a plea of guilty or nolo contendere, for a
3		violation of this section or section 291-4.4 as
4		that section was in effect on December 31, 2001;
5	<u>(B)</u>	A judgment on a verdict or a finding of guilty,
6		or a plea of guilty or nolo contendere, for an
7		offense that is comparable to this section or
8		section 291-4.4 as that section was in effect on
9		December 31, 2001; or
10	(C)	An adjudication of a minor for a law or probation
11		violation that, if committed by an adult, would
12		constitute a violation of this section or section
13		291-4.4 as that section was in effect on December
14		<u>31, 2001;</u>
15	that, at the t	ime of the instant offense, had not been expunged
16	by pardon, rev	ersed, or set aside. All convictions that have
17	been expunged	by pardon, reversed, or set aside prior to the
18	instant offens	e shall not be deemed prior convictions for the
19	purposes of pr	oving the person's status as a habitual operator
20	<u>of a vehicle w</u>	hile under the influence of an intoxicant.



1	(3) [A person has the status of a "habitual] "Habitual
2	operator of a vehicle while under the influence of an
3	intoxicant" [if] means that the person:
4	(A) [has been] Was convicted three or more times
5	within ten years of the instant offense, for
6	offenses of operating a vehicle under the
7	influence of an intoxicant[-]; or
8	(B) Was convicted one or more times for offenses of
9	habitually operating a vehicle under the
10	influence."
11	SECTION 2. This Act does not affect rights and duties that
12	matured, penalties that were incurred, and proceedings that were
13	begun before its effective date.
14	SECTION 3. Statutory material to be repealed is bracketed
15	and stricken. New statutory material is underscored.
16	SECTION 4. This Act shall take effect upon its approval.



Report Title:

Motor Vehicle; Under the Influence; Habitual Offender

Description:

Amends the definition of a habitual offender to also mean a person who was convicted of habitually operating a vehicle under the influence of an intoxicant prior to the instant offense of operating a motor vehicle under the influence of an intoxicant. (HB1181 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

