STAND. COM. REP. NO. [448 -16

Honolulu, Hawaii , 2016 RE: S.B. No. 2246

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2246 entitled:

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

begs leave to report as follows:

SB2246 HSCR JUD HMS 2016-3032

The purpose of this measure is to address a recent Hawaii Supreme Court holding that criminal penalties for refusal to submit to testing for blood alcohol content are inherently coercive and unconstitutional. Specifically, this measure repeals section 291E-68, Hawaii Revised Statutes, which makes it a petty misdemeanor to refuse to submit to a breath, blood, or urine test.

The Department of Transportation, Office of the Public Defender, Honolulu Police Department, Office of the Prosecuting Attorney of the County of Kauai, and Department of the Prosecuting Attorney for the County of Maui supported this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2246 and recommends that it pass Third Reading.

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

) fal 12 hrs

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: ろりつみそし	Committee Referral: TRN, JUD	Date:	Date: 03/29/16		
The committee is reconsidering its prev	ious decision on the measure.				
	unamended (as is)	ss, with amendments (mmit for future public			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. RHOADS, Karl (C)					
2. SAN BUENAVENTURA, Joy A.	. (VC)				
3. BELATTI, Della Au	Harr			X	
4. BROWER, Tom	X			barr	
5. CREAGAN, Richard P.					
6. HASHEM, Mark J.	~ ~				
7. KAWAKAMI, Derek S.K.					
8. LEE, Chris					
9. MORIKAWA, Dee					
10. NAKASHIMA, Mark M.					
11. TAKAYAMA, Gregg					
12. WOODSON, Justin H.					
13. McDERMOTT, Bob	Brot			X	
14. THIELEN, Cynthia					
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TOTAL (14)	10			4	
The recommendation is: Ado If joint i		did not suppor	rt recommendatio	n.	
Vice Chair's or designee's signature: _	MAC)	49-		<u></u>	
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