
A BILL FOR AN ACT

RELATING TO CONTINUOUS ALCOHOL MONITORING FOR REPEAT OFFENDERS.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§291E- Continuous alcohol monitoring device;
5 requirement; penalties. (a) Any person charged with a
6 violation of section 291E-61 or 291E-61.5:

7 (1) Within five years of a prior conviction for an offense
8 under section 291E-61 or 291E-61.5; or

9 (2) While a criminal investigation or prosecution for one
10 or more prior charges of violating section 291E-61 or
11 291E-61.5 is pending,

12 shall refrain from consuming any alcohol and submit to
13 monitoring by continuous alcohol monitoring device for a period
14 of no less than ninety days. If, following the person's arrest,
15 the person is released on bail by the sheriff, deputy sheriff,
16 chief of police, or any person named by the chief of police, the



1 person shall be scheduled for an initial court appearance within
2 five business days.

3 (b) At the person's initial court appearance, the person
4 shall be ordered to refrain from consuming any alcohol and to
5 submit to monitoring by a continuous alcohol monitoring device
6 for no less than ninety days as conditions of release on bail.
7 As a further condition of release on bail, the person shall be
8 ordered to refrain from removing, obstructing, or tampering with
9 the device during the applicable period. The applicable period
10 may be extended by the court at any time beyond ninety days, as
11 reasonably necessary to ensure the safety of the community, but
12 may not be shortened or suspended. The person shall be fitted
13 with a continuous alcohol monitoring device within five business
14 days of their initial court appearance.

15 (c) All costs associated with the monitoring device,
16 including administrative and operating costs, shall be paid by
17 the arrested person. The prosecuting attorney of each county
18 and the attorney general shall contract with selected continuous
19 alcohol monitoring device vendors to provide financial relief
20 for the cost of the monitoring devices to persons who apply for
21 such assistance and who are recipients, at the time of license



1 revocation or suspension, of either food stamps under the
2 Supplemental Nutrition Assistance Program, or free services
3 under the Older Americans Act or Developmentally Disabled
4 Assistance and Bill of Rights Act.

5 (d) For purposes of this section, and notwithstanding any
6 law to the contrary, if the person violates any of the
7 conditions of release on bail as specified in subsection (b),
8 the person's bail shall be reset in the same amount or higher.
9 Such judgment shall not be vacated, nor shall the forfeited bail
10 be reinstated.

11 (e) Nothing in this section shall prevent a court from
12 ordering a defendant to submit to monitoring by a continuous
13 alcohol monitoring device, as a condition of release on bail,
14 recognizance, or supervised release or sentencing for violation
15 of section 291E-61 or 291E-61.5 as a first offense or for
16 violation of any other section, if otherwise permitted by law."

17 SECTION 2. Section 291E-1, Hawaii Revised Statutes, is
18 amended by adding a new definition to be appropriately inserted
19 and to read as follows:

20 "Continuous alcohol monitoring device" means any device or
21 instrument that:



- 1 (1) Is attached to the person;
- 2 (2) Is designed to automatically test the alcohol content
- 3 in a person by contact with the person's skin at least
- 4 once per one-half hour regardless of the person's
- 5 location;
- 6 (3) Detects the presence of alcohol; and
- 7 (4) Detects attempts to tamper with, obstruct, or remove
- 8 the device."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on January 7, 2059.

14



Report Title:

Honolulu Prosecuting Attorney Package; Continuous Alcohol Monitoring; Driving Under the Influence

Description:

Requires persons charged with operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant to be fitted with a continuous alcohol monitoring device if the person: (1) has a prior conviction for operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant within the past five years; or (2) is currently pending criminal investigation or prosecution for one or more prior charges of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant. Establishes a process for certain persons to receive financial relief for the cost of the monitoring devices. Takes effect on 1/7/2059. (SD2)

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