

JAN 20 2017

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person committing the offense of operating a
4 vehicle under the influence of an intoxicant shall be sentenced
5 without possibility of probation or suspension of sentence as
6 follows:

7 (1) For the first offense, or any offense not preceded
8 within a five-year period by a conviction for an
9 offense under this section or section 291E-4(a):

10 (A) A fourteen-hour minimum substance abuse
11 rehabilitation program, including education and
12 counseling, or other comparable program deemed
13 appropriate by the court;

14 (B) One-year revocation of license and privilege to
15 operate a vehicle during the revocation period
16 and installation during the revocation period of



1 an ignition interlock device on any vehicle
2 operated by the person;

3 (C) Any one or more of the following:

4 (i) Seventy-two hours of community service work;

5 (ii) Not less than forty-eight hours and not more
6 than five days of imprisonment; or

7 (iii) A fine of not less than [~~\$150~~] \$450 but not
8 more than [~~\$1,000~~] \$3,000;

9 (D) A surcharge of \$25 to be deposited into the
10 neurotrauma special fund; and

11 (E) A surcharge, if the court so orders, of up to \$25
12 to be deposited into the trauma system special
13 fund;

14 (2) For an offense that occurs within five years of a
15 prior conviction for an offense under this section or
16 section 291E-4(a):

17 (A) Revocation for not less than eighteen months nor
18 more than two years of license and privilege to
19 operate a vehicle during the revocation period
20 and installation during the revocation period of



1 an ignition interlock device on any vehicle
2 operated by the person;

3 (B) Either one of the following:

4 (i) Not less than two hundred forty hours of
5 community service work; or

6 (ii) Not less than five days but not more than
7 thirty days of imprisonment, of which at
8 least forty-eight hours shall be served
9 consecutively;

10 (C) A fine of not less than [~~\$500~~] \$1,500 but not
11 more than [~~\$1,500~~] \$4,500;

12 (D) A surcharge of \$25 to be deposited into the
13 neurotrauma special fund; and

14 (E) A surcharge of up to \$50 if the court so orders,
15 to be deposited into the trauma system special
16 fund;

17 (3) For an offense that occurs within five years of two
18 prior convictions for offenses under this section or
19 section 291E-4(a):

20 (A) A fine of not less than [~~\$500~~] \$1,500 but not
21 more than [~~\$2,500~~] \$7,500;



- 1 (B) Revocation for two years of license and privilege
2 to operate a vehicle during the revocation period
3 and installation during the revocation period of
4 an ignition interlock device on any vehicle
5 operated by the person;
- 6 (C) Not less than ten days but not more than thirty
7 days imprisonment, of which at least forty-eight
8 hours shall be served consecutively;
- 9 (D) A surcharge of \$25 to be deposited into the
10 neurotrauma special fund; and
- 11 (E) A surcharge of up to \$50 if the court so orders,
12 to be deposited into the trauma system special
13 fund;
- 14 (4) In addition to a sentence imposed under paragraphs (1)
15 through (3), any person eighteen years of age or older
16 who is convicted under this section and who operated a
17 vehicle with a passenger, in or on the vehicle, who
18 was younger than fifteen years of age, shall be
19 sentenced to an additional mandatory fine of ~~[\$500]~~
20 \$1,500 and an additional mandatory term of
21 imprisonment of forty-eight hours; provided that the



1 total term of imprisonment for a person convicted
2 under this paragraph shall not exceed the maximum term
3 of imprisonment provided in paragraph (1), (2), or
4 (3), as applicable. Notwithstanding paragraphs (1)
5 and (2), the revocation period for a person sentenced
6 under this paragraph shall be not less than two years;
7 and

8 (5) If the person demonstrates to the court that the
9 person:

10 (A) Does not own or have the use of a vehicle in
11 which the person can install an ignition
12 interlock device during the revocation period; or

13 (B) Is otherwise unable to drive during the
14 revocation period,

15 the person shall be absolutely prohibited from driving during
16 the period of applicable revocation provided in paragraphs (1)
17 to (4); provided that the court shall not issue an ignition
18 interlock permit pursuant to subsection (i) and the person shall
19 be subject to the penalties provided by section 291E-62 if the
20 person drives during the applicable revocation period."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: Ernaune R. Annye
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S.B. NO. ~~659~~

Report Title:

Highway Safety; Operating a Vehicle While Intoxicated; Fines

Description:

Increases the fines for violations of operating a vehicle while under the influence of an intoxicant.

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