
A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN
INTOXICANT.

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

1 SECTION 1. Section 291E-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291E-15 Refusal to submit to breath, blood, or urine**
4 **test; subject to administrative revocation proceedings.** If a
5 person under arrest refuses to submit to a breath, blood, or
6 urine test, none shall be given, except as provided in section
7 291E-21[-], or pursuant to a search warrant issued by a judge
8 upon a finding of probable cause supported by oath or
9 affirmation, or pursuant to any other basis permissible under
10 the Constitution of the State of Hawaii and laws of this State.

11 Upon the law enforcement officer's determination that the person
12 under arrest has refused to submit to a breath, blood, or urine
13 test, if applicable, then a law enforcement officer shall:

14 (1) Inform the person under arrest of the sanctions under
15 section 291E-41 or 291E-65; and



H.B. NO. 1379

1 (2) Ask the person if the person still refuses to submit
2 to a breath, blood, or urine test, thereby subjecting
3 the person to the procedures and sanctions under part
4 III or section 291E-65, as applicable;
5 provided that if the law enforcement officer fails to comply
6 with paragraphs (1) and (2), the person shall not be subject to
7 the refusal sanctions under part III or IV."

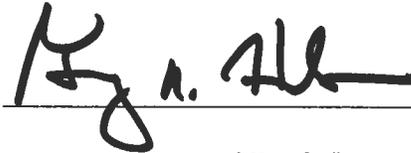
8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:



JAN 27 2021



H.B. NO. 1379

Report Title:

Operating a Vehicle Under the Influence of an Intoxicant;
Implied Consent; Search Warrant; Criminal Procedure

Description:

Clarifies implied consent law to make an exception for giving a breath, blood, or urine test pursuant to a search warrant or any other basis permissible under the Constitution of the State of Hawaii and state law.

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

