
A BILL FOR AN ACT

RELATING TO INTOXICANTS.

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 ten-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



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- 1 an ignition interlock device on any vehicle
2 operated by the person;
- 3 (C) ~~[Any one or more]~~ Either one or both of the
4 following:
- 5 ~~[(i) Seventy two hours of community service work;~~
6 ~~(ii)]~~ (i) No less than forty-eight hours and no more
7 than five days of imprisonment; or
- 8 ~~[(iii)]~~ (ii) A fine of no less than \$250 but no more
9 than \$1,000;
- 10 (D) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; ~~[and]~~
- 12 (E) A surcharge ~~[, if the court so orders,]~~ of up to
13 \$25, if the court so orders, to be deposited into
14 the trauma system special fund; and
- 15 (F) Forty-eight hours of community service work;
- 16 (2) For an offense that occurs within ten years of a prior ,
17 conviction for an offense under this section or
18 section 291E-4(a):
- 19 (A) Revocation for no less than twenty-four months
20 nor more than three years of license and
21 privilege to operate a vehicle during the



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- 1 revocation period and installation during the
2 revocation period of an ignition interlock device
3 on any vehicle operated by the person;
- 4 (B) ~~[Either one of the following:~~
- 5 ~~(i) No less than two hundred forty hours of~~
6 ~~community service work; or~~
- 7 ~~(ii)]~~ No less than five days but no more than
8 thirty days of imprisonment, if the court so
9 orders, of which at least forty-eight hours
10 shall be served consecutively;
- 11 (C) A fine of no less than \$1,000 but no more than
12 \$3,000;
- 13 (D) A surcharge of \$25 to be deposited into the
14 neurotrauma special fund; ~~[and]~~
- 15 (E) A surcharge of up to \$50, if the court so orders,
16 to be deposited into the trauma system special
17 fund; and
- 18 (F) Forty-eight hours of community service work;
- 19 (3) In addition to a sentence imposed under paragraphs (1)
20 and (2), any person eighteen years of age or older who
21 is convicted under this section and who operated a



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1 vehicle with a passenger, in or on the vehicle, who
2 was younger than fifteen years of age, shall be
3 sentenced to an additional mandatory fine of \$500 and
4 an additional mandatory term of imprisonment of forty-
5 eight hours; provided that the total term of
6 imprisonment for a person convicted under this
7 paragraph shall not exceed the maximum term of
8 imprisonment provided in paragraph (1) or (2), as
9 applicable. Notwithstanding paragraphs (1) and (2),
10 the revocation period for a person sentenced under
11 this paragraph shall be no less than two years; and
12 (4) If the person demonstrates to the court that the
13 person:
14 (A) Does not own or have the use of a vehicle in
15 which the person can install an ignition
16 interlock device during the revocation period; or
17 (B) Is otherwise unable to drive during the
18 revocation period,
19 the person shall be absolutely prohibited from driving
20 during the period of applicable revocation provided in
21 paragraphs (1) to (3); provided that the court shall



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1 not issue an ignition interlock permit pursuant to
2 subsection (i) and the person shall be subject to the
3 penalties provided by section 291E-62 if the person
4 drives during the applicable revocation period."

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2021.

11

INTRODUCED BY:



JAN 22 2021



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Report Title:

Operating a Vehicle Under the Influence of an Intoxicant;
Community Service; Mandatory Penalty

Description:

Amends the sentencing requirements for the offense of operating a vehicle under the influence of an intoxicant to require forty-eight hours of community service work.

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

