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## A BILL FOR AN ACT

RELATING TO MANSLAUGHTER.

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

1           SECTION 1. The legislature finds that when an offender  
2 chooses to drink to levels of intoxication and recklessly  
3 operates a vehicle in a manner that results in the death of  
4 another person, the offender has demonstrated reckless rather  
5 than negligent behavior, which should result in a charge of  
6 manslaughter.

7           Accordingly, the purpose of this Act is to specify that a  
8 person commits the offense of manslaughter if the person causes  
9 the death of another person by recklessly operating a motor  
10 vehicle with .08 or more grams of alcohol per two hundred ten  
11 liters of breath or .08 or more grams of alcohol per one hundred  
12 milliliters or cubic centimeters of blood.

13           SECTION 2. Section 707-702, Hawaii Revised Statutes, is  
14 amended by amending subsection (1) to read as follows:

15           "**§707-702 Manslaughter.** (1) A person commits the offense  
16 of manslaughter if:



- 1 (a) The person recklessly causes the death of another  
2 person; [øø]
- 3 (b) The person intentionally causes another person to  
4 commit suicide; or
- 5 (c) The person causes the death of another person by  
6 recklessly operating a motor vehicle:
- 7 (A) With .08 or more grams of alcohol per two hundred  
8 ten liters of breath; or
- 9 (B) With .08 or more grams of alcohol per one hundred  
10 milliliters or cubic centimeters of blood;

11 provided that this section shall not apply to actions taken  
12 under chapter 327L."

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

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
JAN 22 2021



# H.B. NO. 535

**Report Title:**

Manslaughter; Driving Under the Influence

**Description:**

Specifies that a person commits the offense of manslaughter if the person causes the death of another person by recklessly operating a motor vehicle with .08 or more grams of alcohol per 210 liters of breath or .08 or more grams of alcohol per 100 milliliters or cubic centimeters of blood.

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