

JAN 20 2022

A BILL FOR AN ACT

RELATING TO NEGLIGENT HOMICIDE.

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

1 SECTION 1. The legislature finds that impairment by drugs
2 and alcohol is a factor in many traffic fatalities in Hawaii.
3 Those killed in drunk driving crashes are given a life sentence.
4 A federal study reviewing data over a three year period found
5 drivers convicted of driving under the influence of alcohol are
6 at least 1.8 times more likely to be in fatal crashes and at
7 least four times as likely to be in fatal crashes involving high
8 blood or breath alcohol levels compared to drivers without prior
9 convictions. According to the national Highway Traffic Safety
10 Administration, motor vehicle crashes that involve an alcohol-
11 impaired driver kill twenty-eight people in the United States
12 every day, amounting to one death every fifty-three minutes.
13 The Centers for Disease Control and Prevention estimates the
14 annual cost of alcohol-related crashes to be greater than forty-
15 four billion dollars. The legislature finds that existing
16 penalties need to be addressed to deter drivers from repeatedly
17 operating their vehicles under the influence of drugs and



1 alcohol and at increased blood or breath alcohol levels to help
2 prevent more traffic fatalities and save lives.

3 The purpose of this Act is to elevate the penalty of
4 negligent homicide in the first degree from a class B felony to
5 a class A felony when certain conditions are met.

6 SECTION 2. Section 707-702.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§707-702.5 Negligent homicide in the first degree. (1)**

9 A person commits the offense of negligent homicide in the first
10 degree if that person causes the death of:

11 (a) Another person by the operation of a vehicle in a
12 negligent manner while under the influence of drugs or
13 alcohol; or

14 (b) A vulnerable user by the operation of a vehicle in a
15 negligent manner.

16 (2) ~~[Negligent homicide in the first degree is a class B~~
17 ~~felony.]~~ A person who violates subsection (1)(b) is guilty of a
18 class B felony.

19 (3) A person who violates subsection (1)(a) is guilty of a
20 class B felony; provided that the person is guilty of a class A
21 felony when the person:



- 1 (a) Has been convicted one or more times for the offense
2 of operating a vehicle under the influence within
3 twenty years of the instant offense;
- 4 (b) Is operating a vehicle after license and privilege
5 have been suspended or revoked for operating a vehicle
6 under the influence of an intoxicant; or
- 7 (c) Is a highly intoxicated driver as defined by section
8 291E-1."

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. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15
INTRODUCED BY: _____

Hal Abund



S.B. NO. 2163

Report Title:

Negligent Homicide; Class A Felony

Description:

Makes it a class A felony for a person to cause the death of another while operating a vehicle in a negligent manner and under the influence of an intoxicant if the person has one or more convictions for operating a vehicle under the influence of an intoxicant within twenty years of the instant offense, a suspended and revoked license and privilege to operate a vehicle due to driving while under the influence of an intoxicant, or the person is a highly intoxicated driver.

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

