

STAND. COM. REP. NO.

679

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 160

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 160 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE,"

begs leave to report as follows:

The purpose and intent of this measure is to lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the National Transportation Safety Board; Department of Transportation; Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney of the County of Hawai'i; Department of the Prosecuting Attorney of the County of Maui; Office of the Prosecuting Attorney of the County of Kaua'i; Honolulu Police Department; Hawai'i Alcohol Policy Alliance; Maui Coalition for Drug-Free Youth; East Hawai'i Drug-Free Coalition; Smart Start, LLC; Intoxalock; Keala Foundation; Alu Like, Inc; Maika'i Cleaners LLC; Foil Fever LLC and twenty-seven individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Kauai Beer Company, Lanikai Brewing Company, Wine Institute, and Hawaiian Craft Brewers Guild. Your Committee received comments on this measure from one individual.



Your Committee finds that in 2013, the National Transportation Safety Board (NTSB) recommended that all fifty states adopt a blood alcohol concentration cutoff of 0.05 compared to the 0.08 standard. According to the NTSB, lowering the rate to 0.05 would save hundreds of lives annually. The NTSB reports that a driver with a blood alcohol concentration of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition. This would result in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. This measure will save lives, prevent catastrophic injuries, and decrease medical costs by lowering the threshold of blood alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 160 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



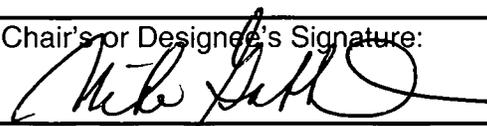
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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

|  |                     |          |     |         |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:    |     |         |
| SB 160   | JDC                 | 2/9/23   |     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                     |          |     |         |
| The Recommendation is:<br><input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                     |          |     |         |
| Members  | Aye                 | Aye (WR) | Nay | Excused |
| RHOADS, Karl (C)   | ✓                   |          |     |         |
| GABBARD, Mike (VC)   | ✓                   |          |     |         |
| ELEFANTE, Brandon J.C.   | ✓                   |          |     |         |
| SAN BUENAVENTURA, Joy A.   |                     | ✓        |     |         |
| AWA, Brenton   | ✓                   |          |     |         |
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| <b>TOTAL</b>   | 4                   | 1        | —   | —       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |          |     |         |
| Chair's or Designee's Signature:<br>  |                     |          |     |         |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy   |                     |          |     |         |

\*Only one measure per Record of Votes