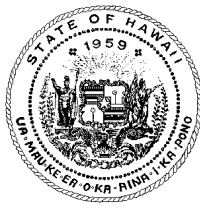


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
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Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON SENATE BILL 2017
RELATING TO FINANCIAL SUPPORT OF A CHILD
AFTER DRIVING UNDER THE INFLUENCE

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 2, 2024; 10:00 a.m.
State Capitol, Conference Room 016 & via Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) offers comments on Senate Bill (SB) 2017, which proposes to require defendants convicted of causing the death of a parent or legal guardian of a minor child by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol to make restitution in the form of financial support to each surviving child of the victim.

Most justice-involved individuals have suffered some form of trauma in their youth. Minors that have experienced the trauma of suddenly losing the stability and support of a parent or legal guardian typically gravitate towards sources that will fill that void. The financial hardship that usually accompanies this type of sudden loss only compounds what the minor is feeling anxiety, fear, anger, hopelessness, frustration, etc.

If enacted, this measure would provide the funding necessary to access professional counseling that could help the minor work through their trauma constructively and provide the guidance and support they need to overcome the tragedy. Funding this bill may provide the minor with the tools necessary to develop the

Senate Bill 2017 Relating to Financial Support of a Child
Senate Committee on Judiciary
February 2, 2024
Page 2

social skills needed to get through the trauma, move forward and become a well-adjusted productive member of society.

Thank you for the opportunity to provide comments on SB 2017.



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 2, 2024
10:00 a.m.
State Capitol, Conference Room 16

S.B. 2017
RELATING TO FINANCIAL SUPPORT OF A CHILD
AFTER DRIVING UNDER THE INFLUENCE

Senate Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **supports** S.B. 2017, which requires defendants convicted of causing the death of a parent or legal guardian of a minor child by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol to make restitution in the form of financial support to each surviving child of the victim.

S.B. 2017 evolved from Bentley's law; a legislative initiative proposed in response to a grieving grandmother in Missouri. As a result, similar legislation has been enacted in four other states (Tennessee, Kentucky, Texas, and Maine) during the past three years.

According to the National Highway Traffic Safety Administration, in 2021 Hawaii experienced 28 alcohol-impaired driving fatalities (BAC .08+), which were all 100 percent preventable. Additionally, 2021 state data shows that 45.67 percent of impaired drivers involved in fatal crashes tested positive for alcohol and/or drugs.

An innovative legislative solution such as S.B. 2017 could cause drivers to consider the tragic impacts of their decision to drive under the influence of alcohol and/or drugs and subsequently, serve as an additional deterrent from initially driving under the influence.

We respectfully urge the Committee to pass this proposed bill.

Thank you for the opportunity to provide testimony.



Mothers Against Drunk Driving
Hawaii State Office
madd.org/Hawaii

745 Fort Street
Suite 303
Honolulu, HI 96813

808.532.6232 direct
877.MADD.HELP victim support
877.ASK.MADD

February 2, 2024

To: Senator Karl Rhoads, Chair, Senate Committee on Judiciary, Committee Members on Judiciary; Senator Mike Gabbard, Vice Chair; and Members of the Committee

From: Alice Liu, Program Director; Mothers Against Drunk Driving (MADD) Hawaii

Re: Senate Bill 2017 – RELATING TO FINANCIAL SUPPORT OF A CHILD AFTER DRIVING UNDER THE INFLUENCE.

Thank you for this opportunity to represent the members of Mothers Against Drunk Driving Hawaii in support of Senate Bill 2017.

The genesis of this initiative — known as Bentley's Law — is less than three years old, the response to a grieving grandmother in Missouri. Its momentum is remarkable, having already been enacted by four states – Tennessee, Kentucky, Texas and Maine.

To drive impaired is still the most frequently occurring violent crime in America. To kill someone while driving impaired is far worse. When that someone is a parent or guardian of a minor child, the crime is unspeakable. SB 2017 seeks to provide some financial support for the remainder of that child's minority.

We urge the Committee to pass this bill.

Alice Liu, Program Director; Mothers Against Drunk Driving (MADD) Hawaii

SB-2017

Submitted on: 1/30/2024 9:42:38 AM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea Gonzales	Individual	Support	Written Testimony Only

Comments:

Aloha members of the Senate Committee on Judiciary,

I urge you to support SB 2017, which proposes that impaired drivers involved in fatal crashes resulting in the loss of a parent or parents should be obligated to make restitution payments in the form of child support. This legislation should not replace any civil liability related to impaired driving crashes but should serve as an additional consequence for someone who makes the choice to drive impaired. Four states have similar laws in place.

The problem of impaired driving is not going away. Drunk driving is still a deadly crime. In our state, about 40% of traffic fatalities involve alcohol.

SB 2017 better ensures justice and accountability. SB 2017 will make people think twice before getting behind the wheel impaired. If a person makes the choice to drive impaired and kills a parent, the person will encounter another consequence for their deadly decision. To the victim of the impaired drivers, this allows for another avenue of restitution to help ensure justice.

SB-2017

Submitted on: 1/30/2024 5:07:09 PM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I greatly support this bill, as it would give some compensation to the children who lost their parents, and it would make people safer when operating a vehicle and be more aware of the consequences. It won't bring back the lost parent, but it would make sure that the perpetrator never forgets the lives they stole, and the children could be able to get some sort of support.

SB-2017

Submitted on: 1/30/2024 10:28:28 PM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in SUPPORT

SB-2017

Submitted on: 2/2/2024 8:53:13 AM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Testifying for Kapalama Neighborhood Security Watch	Support	In Person

Comments:

Kapalama NSW testifies in support.