

STAND. COM. REP. NO.

245

Honolulu, Hawaii

FEB 11 2025

RE: S.B. No. 384
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 384 entitled:

"A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to hold those who drive while under the influence of drugs or alcohol, and cause the death of another person as a result, financially responsible for the support of the victim's children until the age of majority, or until the age of twenty-three for any child who enrolls full-time in a college, university, vocational school, or trade school.

Your Committee received testimony in support of this measure from the Department of Transportation, Mothers Against Drunk Driving Hawaii, and Keiki Injury Prevention Coalition.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that, according to the National Highway Traffic Safety Administration, in 2022 the State experienced thirty-seven alcohol-impaired driving fatalities. Additionally, 2023 preliminary state data shows that forty-nine of the one hundred seventeen drivers involved in a fatal crash, or forty-two percent, tested positive for alcohol or drugs. This measure will serve as a deterrent to impaired drivers while addressing the



financial pain experienced by families that have lost a loved one due to the bad choices of an impaired driver.

Your Committee notes the testimony of the Office of the Public Defender raising concerns regarding this measure serving as a deterrent for defendants accepting plea agreements and the potential burden imposed on defense counsel to meaningfully advise defendants about the implications of restitution. Should your Committee on the Judiciary choose to deliberate on this measure, your Committee respectfully requests that it consider these concerns.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 384, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 384, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,



CHRIS LEE, Chair



