

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



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* <div style="font-size: 1.2em; font-weight: bold;">SB 304</div>	Committee Referral: <div style="font-size: 1.2em; font-weight: bold;">TCA, JDC</div>	Date: <div style="font-size: 1.2em; font-weight: bold;">02/06/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUE, Lorraine R. (VC)				✓
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**