



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Transportation

02/17/26 9:30 AM

CR 430 & Videoconference

HB2086

RELATING TO HIGHWAY SAFETY

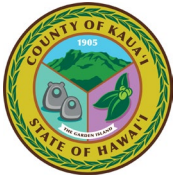
Dear Chair Kila, Vice Chair Miyake, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB2086** which amends the offense of negligent injury in the first degree to include injuries negligently inflicted by intoxicated drivers.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased over twenty (20) percent in Hawaii, and over sixty (60) percent on Oahu from 2024 to 2025. Nearly a [third of traffic deaths in Hawaii](#) are the result of impaired driving, where drivers have a Blood Alcohol Concentration of 0.08 or higher. This statistic puts Hawaii in the bottom quarter of all states regarding impaired driving fatalities.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

POLICE DEPARTMENT COUNTY OF KAUA'I



ELLIOTT K. KE, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

February 13, 2026

The Honorable Representative Darius K. Kila, Chair
And Honorable Members of the Committee on Transportation
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony in Support of House Bill 2086, Relating to Highway Safety

Honorable Chair Kila, Vice Chair Miyake, and Members of the Committee:

On behalf of the Kaua'i Police Department, I am submitting testimony in **SUPPORT** of HB 2086, which amends the offense of negligent injury in the first degree to explicitly include injuries negligently inflicted by intoxicated drivers.

Current Hawai'i negligent injury statutes do not specifically include intoxication as an element, so impaired drivers who cause serious bodily injury are prosecuted under general negligent injury laws that do not treat intoxication as an aggravating factor. In contrast, Hawai'i's negligent homicide statutes expressly address intoxicated drivers when a death results, recognizing the heightened culpability and public safety risk posed by impaired driving. HB 2086 closes this gap by aligning the statutes to ensure consistent accountability when impaired driving causes serious injury.

The National Highway Traffic Safety Administration (NHTSA) reports more than 12,000 people were killed nationally in alcohol-impaired driving crashes in 2023, accounting for roughly 30% of all traffic fatalities in the United States that year. Hawai'i's alcohol-related fatality rate has exceeded the national average in recent years, according to a recent report by the Hawai'i Alcohol Policy Alliance, with at least 40% of traffic fatalities statewide from 2011–2022 involving alcohol. The impact is evident on Kaua'i as well. In 2024, Kaua'i recorded 201 DUI (Driving Under the Influence) arrests and 8 traffic fatalities, 4 of which involved impaired drivers. In 2025, there have been 133 DUI arrests and 8 traffic fatalities, 6 involving impaired drivers. These figures show that impaired driving remains a significant factor in serious and fatal crashes, underscoring the need to strengthen accountability and improve road safety.

For these reasons, I respectfully urge the Committee to **pass HB 2086**. Thank you for the opportunity to testify.

Respectfully submitted,

Elliott K. Ke
Chief of Police
Kaua'i Police Department

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 2086

A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY

COMMITTEE ON TRANSPORTATION
Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair

Tuesday, February 17, 2026 at 9:30 a.m.
Via Videoconference
State Capitol Conference Room 430
415 South Beretania Street

Honorable Chair Kila, Vice-Chair Miyake and Members of the Committee on Transportation: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony **in support** of House Bill 2086.

H.B. 2086 would expand the existing class C felony offense of Negligent Injury in the First Degree under HRS 707-705 to include the negligent causation of substantial bodily injury to another person by the operation of a vehicle in a negligent manner while under the influence of alcohol or drugs. Substantial bodily injury is defined under HRS 707-700 as bodily injury which causes a major avulsion, laceration, or penetration of the skin; a burn of at least second degree severity; a bone fracture; a serious concussion; or a tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

As currently written, the state of mind requirement that a defendant acted negligently would apply to each of the elements of the offense, including that the defendant was under the influence of alcohol or drugs, as it does in the other variants of Negligent Injury in the First Degree. *See* Pattern Jury Instructions—Criminal, Instr. 9.13 & 9.13A. The negligent state of mind is defined in HRS 702-206, and here would apply to any person who “should be aware of a substantial and unjustifiable risk,” where such risk “involves a gross deviation from the standard of care that a law-abiding person would observe in the same situation.” The negligent state of mind specified by the offense may also be satisfied where the defendant acted intentionally, knowingly, or recklessly. HRS 702-208.

This offense will give prosecutors and police needed flexibility in bringing justice to offenders whose abuse of intoxicating alcohol or drugs injures unsuspecting victims in our communities. Intoxicated drivers pose a grave and ongoing threat to public safety in Hawai'i, and it is appropriate intoxicated drivers should be held criminally responsible when their actions cause innocent people on our roadways to suffer substantial bodily injury. With ongoing public

awareness campaigns and simple common sense, all drivers should be aware that using intoxicating alcohol or drugs and then getting behind the wheel of a motor vehicle poses a substantial and unjustifiable risk to everyone else on the roadways.

Importantly, the availability of felony-level probation for this class C felony offense can allow a court to impose and monitor appropriate interventions to stop and rehabilitate intoxicated drivers. The tragic results of intoxicated driving are no accident, and this bill will help give the justice system needed tools to deter and rehabilitate offenders who have harmed others.

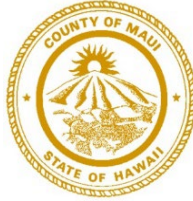
H.B. 2086 will help protect the public and promote public safety. Every life-altering crash caused by an intoxicated driver is preventable. This legislation will punish and deter intoxicated drivers who hurt innocent victims, while still offering a path toward rehabilitation and recovery.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney **supports** the passage of H.B. 2086. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

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Prosecuting Attorney

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TESTIMONY ON
H.B. 2086
RELATING TO HIGHWAY SAFETY

February 16, 2026

The Honorable Darius K. Kila
Chair
The Honorable Tyson K. Miyake
Vice Chair
and Members of the Committee on Transportation

Chair Kila, Vice Chair Miyake, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 2086, Relating to Highway Safety**. This bill supports the prosecution of intoxicated drivers by amending the offense of Negligent Injury in the First Degree in HRS §707-705 to include injuries negligently inflicted by intoxicated drivers.

We support this bill because it makes it clear that injuries negligently caused by intoxicated drivers are included in the scope of HRS §707-705. Prior to this bill, any injury defined as “substantial” (including bone fractures and major lacerations) caused by an intoxicated driver could only be prosecuted as a misdemeanor unless the person injured was a “vulnerable user” despite the well-known dangers of intoxicated driving and the substantial impact rib or limb fractures can have on a person. This bill allows these types of intoxicated driving injuries to be treated as serious felony-level offenses.

We would suggest some clarifying amendments taken from Chapter 291E to avoid potential vagueness issues regarding whether a person is “under the influence of alcohol or drugs”. We also suggest additional amendments to avoid the potential for merger and related issues in scenarios when an offender is charged with, for example, Operating a Vehicle under the Influence of an Intoxicant (“OVUII”) and multiple counts of Negligent Injury in the First Degree for injuring multiple people in a single intoxicated driving incident. In our view, allowing convictions for both OVUII and multiple negligent injury counts has the deterrent effect of

ensuring that an offender receives appropriate penalties for OVUII (including the possibility of a second offense OVUII or Habitual OVUII for a subsequent OVUII conviction) in addition to the negligent injury penalties. Our suggestions are as follows:

[...]

SECTION 1. Section 707-705, Hawaii Revised Statutes, is amended to read as follows:

"§707-705 Negligent injury in the first degree. (1) A person commits the offense of negligent injury in the first degree if that person causes:

- (a) Serious bodily injury to another person by the operation of a vehicle in a negligent manner; or
- (b) Substantial bodily injury to a vulnerable user by the operation of a vehicle in a negligent manner~~[-]; or~~
- (c) Substantial bodily injury to another person by operation of a vehicle in a negligent manner. while under the influence of alcohol or drugs:

- (i) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty;
 - (ii) While under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner;

- (iii) With .08 or more grams of alcohol per two hundred ten liters of breath; or
- (iv) With .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood.

(2) Negligent injury in the first degree is a class C felony.

(3) A conviction and sentence under subsection (1)(c) shall be in addition to and not in lieu of any conviction and sentence for any offense in Chapter 291E or this Chapter; provided that the sentence imposed under this section may run concurrently or consecutively with the sentence for the other offense.

(4) For the purposes of subsection (1)(c), each instance of substantial bodily injury to another person shall constitute a separate offense.

(5) For the purposes of subsection (1)(c), "alcohol," "drugs" and "under the influence" shall have the same meaning as "alcohol," "drug" and "under the influence" in Section 291E-1.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 2086**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.