



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

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

Friday, February 27, 2026 at 10:30 a.m.
State Capitol, Conference Room 016 & Videoconference

By

Michelle Acosta
Deputy Chief Court Administrator, Hawai‘i State Judiciary

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2253, Senate Draft 1, Relating to Highway Safety.

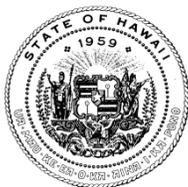
Purpose: Amends the offense of negligent injury in the first degree to include injuries negligently inflicted by intoxicated drivers. (SD1)

Judiciary's Position:

The Judiciary provides the following comments. As currently written, the measure would take effect immediately upon approval. The Judiciary respectfully requests that the effective date be set no earlier than July 1, 2026. This additional time is critical to ensure proper implementation by the courts which would include necessary updates to the Judiciary Information Management System (JIMS).

Thank you for the opportunity to testify on Senate Bill No. 2253, SD1.

JOSH GREEN, M.D.
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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Friday, February 27, 2026
10:30 AM
State Capitol, 016

SB2253,SD1
RELATING TO HIGHWAY SAFETY

Senate Committee on Judiciary

The Department of Transportation (DOT) supports SB2253, SD1, which amends the offense of negligent injury in the first degree to include substantial bodily injury to vulnerable users caused by operating a vehicle negligently while under the influence of alcohol or drugs.

This bill addresses a critical gap in our current laws by expanding the definition of negligent injury in the first degree to specifically include injuries caused by intoxicated drivers. By doing so, it strengthens our ability to hold accountable those who choose to drive while impaired and cause harm to others, particularly vulnerable road users.

Impaired driving continues to be a significant threat to public safety on our roads. According to data from the National Highway Traffic Safety Administration, alcohol-impaired driving fatalities account for a substantial portion of traffic-related deaths in Hawaii. From 2020 through 2024, Hawaii's fatal crash data revealed an average of 34 impaired-driving-related fatalities annually, representing approximately 33 percent of all traffic deaths. This bill aligns with our ongoing efforts to reduce impaired driving and protect all road users, especially those most vulnerable such as pedestrians, cyclists, and other non-motorized travelers.

The DOT is committed to improving highway safety and protecting the lives of our community members and visitors. This legislation serves as an important step in changing behaviors and reinforcing the message that drinking and driving are incompatible activities. It complements our existing efforts to promote alternatives to impaired driving, such as using rideshare services, public transportation, or designating a sober driver.

By increasing the legal consequences for negligent injury caused by impaired driving, this bill sends a strong message about the seriousness of this offense and may serve as an additional deterrent. It also provides prosecutors with an important tool to seek appropriate justice for victims of impaired driving crashes. We believe that SB2253, SD1 will contribute significantly to our ongoing efforts to reduce impaired driving incidents and enhance road safety for all users in Hawaii.

Thank you for the opportunity to testify in support of this bill.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

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First Deputy Prosecuting Attorney



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TESTIMONY ON
S.B. 2253 SD1
RELATING TO HIGHWAY SAFETY

February 25, 2026

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice Chair
and Members of the Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2253 SD1, 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 intoxicated driving injuries to be treated as the serious offenses they are.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2253 SD1**. 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.

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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

February 26, 2026

RE: S.B. 2253 S.D. 1; RELATING TO HIGHWAY SAFETY.

Chair Rhoads, Vice-Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong support** of S.B. 2253 S.D. 1 **with recommended amendment**. This bill is part of the Department's 2026 legislative package, and we thank you for hearing it.

S.B. 2253 S.D. 1 amends the first-degree negligent injury statute to include substantial bodily injury caused by intoxicated drivers. Currently, a driver who negligently causes substantial bodily injury to another can be prosecuted for second-degree negligent injury, a misdemeanor.¹ This bill permits felony prosecution of negligent intoxicated drivers.

Last year was the deadliest on our roads in almost two decades.² And while investigation continues regarding the precise reason for this spike, alcohol consumption has been a consistent and persistent feature of traffic fatalities in this state and across the country.

The National Highway Traffic Safety Administration estimates that about 37 people in the United States die in drunk-driving crashes—about one person every 39 minutes.³ The

¹ HRS § 707-706.

² HAWAII DEPARTMENT OF TRANSPORTATION, *Hawai'i Drivers Welcomed to Join Safe Roads Challenge in 2026* (Dec. 29, 2025), available online at <https://hidot.hawaii.gov/highways/hawaii-drivers-welcomed-to-join-safe-roads-challenge-in-2026/>.

³ *Drunk Driving*, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (online), available at <https://www.nhtsa.gov/risky-driving/drunk-driving>.

Hawai‘i Alcohol Policy Alliance reported that from 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol, outpacing the national average.⁴

Alcohol compromises driving skill at even low levels of blood-alcohol concentration (BAC).¹ Research with driving simulators demonstrates inability to maintain consistent lane position at a BAC levels as low as 0.021%.² Several studies have consistently shown that both alcohol and other drugs significantly contribute to crash risk.⁵

Every injury caused by impaired drivers was completely preventable. The risks of driving while drunk or drugged have been well-known for decades. And the costs in deaths alone has been staggering. More Americans have died from drunk driving than in all our nation’s wars combined.⁶

Because of this danger, every state has already decided that civil penalties alone are insufficient to deter drunk driving. Within this class of offenders, those drivers who actually cause collisions—collisions leading to physical injury—are the most dangerous.

Under S.B. 2253 S.D. 1, the prosecution would not secure a conviction simply by proving an impaired driver was involved in a collision. Even proof of injury to the other driver would not suffice. As with all criminal cases, the prosecution must prove the causal link between the defendant’s actions and the result.⁷ In other words, the State must show that had the defendant not driven drunk or impaired, the other person would have remained free of injury. Felony sentencing is entirely appropriate in such cases.

Finally, we request reinstating the phrase “under the influence of alcohol or drugs,” rather than specific cross-references to the OVUII statute. First-degree negligent homicide uses this same phrase.⁸ Uniform phrasing ensures that first-degree negligent injury remains a lesser-included offense of first-degree negligent homicide.⁹

⁴ Press Release, Hawai‘i Alcohol Policy Alliance, *Hawai‘i’s Alcohol-Related Traffic Fatality Rate Outpaces National Average* (Feb. 3, 2025), available at <https://www.hiapa.org/news/hawaiis-alcohol-related-traffic-fatality-rate-outpaces-national-average>.

⁵ Eduardo Romano, et al., *Drugs and Alcohol: Their Relative Crash Risk*, 75 J. STUDIES ALCOHOL & DRUGS 56, 61 (2014).

⁶ *Perez v. Campbell*, 402 U.S. 637, 657 (1971) (Blackmun, J., concurring) (“The slaughter on the highways of this Nation exceeds the death toll of all our wars.”).

⁷ HRS § 701-114(1)(a) (conviction requires proving every element of an offense beyond reasonable doubt); § 702-205(1) (including conduct and the results of conduct as elements of an offense); § 702-214 (defining causal relationship between conduct and results).

⁸ See HRS § 707-702.5(1)(a) (“A person commits the offense of negligent homicide in the first degree if that person causes the death of [a]nother person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol.”).

⁹ See HRS § 701-109(4)(a) (“A defendant may be convicted of an offense included in an offense charged in the felony complaint, indictment, or information. An offense is so included when [i]t is established by proof of the same or less than all the facts required to establish the commission of the offense charged[.]”).

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2253, SD1

A BILL FOR AN ACT
RELATING TO HIGHWAY SAFETY

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 27, 2026 at 10:30 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony **in support** of Senate Bill 2253, SD1.

S.B. 2253, SD1 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.

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 that 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.

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.¹ 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.²

S.B. 2253, SD1, incorporates amendments suggested by the Office of the Prosecuting Attorney for the County of Maui, aimed at strengthening the measure’s clarity and avoiding merger. We support these amendments as they are consistent with the intent of the bill.

S.B. 2253, SD1, 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 S.B. 2253, SD1. Thank you for the opportunity to testify on this matter.

¹ See Pattern Jury Instructions—Criminal, Instr. 9.13 & 9.13A.

² HRS 702-208.



POLICE DEPARTMENT COUNTY OF KAUA'I



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

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

February 25, 2026

The Honorable Senator Karl Rhoads, Chair
And Honorable Members of the Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony in Support of Senate Bill 2253 SD1, Relating to Highway Safety

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

On behalf of the Kaua'i Police Department, I am submitting testimony in **SUPPORT** of SB 2377 SD1, 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. SD 2253 SD1 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 ask the Committee to **support SB 2253 SD1**. Thank you for the opportunity to testify.

Respectfully submitted,

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



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Judiciary

02/27/26 10:30 AM

CR 016 & Videoconference

SB2253 SD1

RELATING TO HIGHWAY SAFETY

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2253 SD1** 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 with regard to 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.

SB-2253-SD-1

Submitted on: 2/24/2026 9:21:51 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2253 SB RELATING TO HIGHWAY SAFETY.