

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

Tuesday, February 3, 2026  
3:00 PM  
State Capitol, 229

**SB2253**  
**RELATING TO HIGHWAY SAFETY**

Senate Committee on Transportation

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The Department of Transportation (DOT) strongly supports Senate Bill 2253, 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.

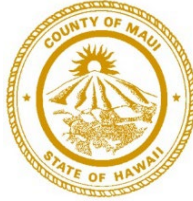
By increasing the legal consequences for negligent injury caused by impaired driving, this bill sends a strong message about the seriousness of this offense and may serve as an additional deterrent. It also provides prosecutors with an important tool to seek appropriate justice for victims of impaired driving crashes. We believe that SB2253 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 strong support of this bill.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

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TESTIMONY ON  
S.B. 2253  
RELATING TO HIGHWAY SAFETY

February 2, 2026

The Honorable Lorraine R. Inouye  
Chair  
The Honorable Brandon J.C. Elefante  
Vice Chair  
and Members of the Committee on Transportation

Chair Inouye, Vice Chair Elefante, 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, 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.

We would also suggest the following clarifying amendments taken from Chapter 291E to avoid vagueness issues regarding whether a person is “under the influence of alcohol or drugs”, as well as additional amendments to avoid merger and related issues:

[...]

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 S.B. 2253**. 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.

**KELDEN B.A. WALTJEN**  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

### **TESTIMONY IN SUPPORT OF SENATE BILL 2253**

#### **A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY**

#### **COMMITTEE ON TRANSPORTATION**

**Senator Lorraine R. Inouye, Chair**  
**Senator Brandon J.C. Elefante, Vice Chair**

**Tuesday, February 3, 2026 at 3:00 p.m.**  
**Via Videoconference**  
**State Capitol Conference Room 229**  
**415 South Beretania Street**

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

S.B. 2253 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.

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



## Testimony of the Oahu Metropolitan Planning Organization

### Senate Committee on Transportation

02/03/26 3:00 PM

CR 229 & Videoconference

**SB2253**

**RELATING TO HIGHWAY SAFETY**

Dear Chair Inouye, Vice Chair Elefante, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2253** 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.

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**LATE**

THE HONORABLE, CHAIR LORRAINE R. INOUE  
SENATE COMMITTEE ON TRANSPORTATION  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawai'i

February 3, 2026

**RE: S.B. 2253; RELATING TO HIGHWAY SAFETY.**

Chair Inouye, Vice-Chair Elefante and members of the Senate Committee on Transportation 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. This bill is part of the Department's 2026 legislative package, and we thank you for hearing it.

S.B. 2253 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.<sup>1</sup> This bill permits felony prosecution of drivers whose negligence includes intoxication.

Last year was the deadliest on our roads in almost two decades.<sup>2</sup> And while investigation continues to attribute the causes of 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.<sup>3</sup> The

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<sup>1</sup> HRS § 707-706.

<sup>2</sup> HAWAII DEPARTMENT OF TRANSPORTATION, *Hawaii 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/>.

<sup>3</sup> *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.<sup>4</sup>

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

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.<sup>6</sup>

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, 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.<sup>7</sup> 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, the phrase “under the influence of alcohol or drugs” should remain unaltered in the bill. Its equivalent appears in the first-degree negligent homicide statute.<sup>8</sup> Uniform phrasing ensures that first-degree negligent injury remains a lesser-included offense of first-degree negligent homicide.<sup>9</sup>

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<sup>4</sup> 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>.

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

<sup>6</sup> *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.”).

<sup>7</sup> 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).

<sup>8</sup> 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.”).

<sup>9</sup> 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[.]”).

By contrast, HRS § 291E-61 defines the offense of operating a vehicle under the influence of an intoxicant as follows:

A person commits the offense of operating a vehicle under influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) 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."

(2) While under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner[.]<sup>10</sup>

In cases of negligent collision, this is redundant: a negligent collision already demonstrates impairment of normal mental faculties, inability to guard against casualty, and inability to operate a vehicle in a careful and prudent manner. Rather than cross-referencing another statute, this Committee should retain similar phrases used in Part II of Chapter 707.

The Department strongly encourages passage of S.B. 2253.

Thank you for the opportunity to testify on this matter.

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<sup>10</sup> HRS § 291E-61(a)(1)-(2).

**LATE**

**SB-2253**

Submitted on: 2/3/2026 10:58:39 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Citizen of Hawaii	Individual	Support	Written Testimony Only

Comments:

I am a citizen of Hawaii and I support the amendment to the bill SB2253. Harming others while driving intoxicated is just as careless as reckless driving. I have been on the road with too many reckless drivers. I could not tell if they were drunk when they were swerving between lanes, but they need to be stopped. In my opinion, the harsher penalty for driving intoxicated is a good solution to prevent further accidents. Thank you for your time.