
A BILL FOR AN ACT

RELATING TO DRIVING WITHOUT A LICENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. (a) This Act shall be in honor of Koali-
2 Denning Ring.

3 (b) This Act shall be known as "Sara's Law".

4 SECTION 2. Section 707-702.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§707-702.5 Negligent homicide in the first degree. (1)**

7 A person commits the offense of negligent homicide in the first
8 degree if that person causes the death of:

9 (a) Another person by the operation of a vehicle in a
10 negligent manner while under the influence of drugs or
11 alcohol; [~~or~~]

12 (b) A vulnerable user by the operation of a vehicle in a
13 negligent manner[~~or~~]; or

14 (c) Another person by the operation of a vehicle in a
15 negligent manner while driving without a valid license
16 pursuant to section 286-102.



1 (2) A person who violates subsection (1)(a) shall be
2 guilty of a class B felony; provided that the person shall be
3 guilty of a class A felony when the person:

4 (a) Has been convicted one or more times for the offense
5 of operating a vehicle under the influence within
6 fifteen years of the instant offense;

7 (b) Is, at the time of the instant offense, engaging in
8 conduct that would constitute a violation of section
9 291E-62; or

10 (c) Is a highly intoxicated driver as defined by section
11 291E-1.

12 (3) A person who violates subsection (1)(b) shall be
13 guilty of a class B felony.

14 (4) A person who violates subsection (1)(c) shall be
15 guilty of a class B felony; provided that the person shall be
16 guilty of a class A felony when the person has been convicted
17 two or more times for the offense of driving without a valid
18 license within five years of the instant offense as provided in
19 section 286-102.

20 [+4+] (5) Notwithstanding sections 706-620(2), 706-640,
21 706-641, 706-659, and any other law to the contrary, the



1 sentencing court may impose a lesser sentence for a person
2 convicted of a class A felony under this section if the court
3 finds that strong mitigating circumstances warrant the action.
4 Strong mitigating circumstances shall include but not be limited
5 to the provisions of section 706-621. The court shall provide a
6 written opinion stating its reasons for imposing the lesser
7 sentence.

8 [~~5~~] (6) For the purposes of this section, a person "has
9 been convicted one or more times for the offense of operating a
10 vehicle under the influence" if the person has one or more:

11 (a) Convictions under section 291E-4(a), 291E-61, 291E-
12 61.5, or 291E-64;

13 (b) Convictions in any other state or federal jurisdiction
14 for an offense that is comparable to operating or
15 being in physical control of a vehicle while having
16 either an unlawful alcohol concentration or an
17 unlawful drug content in the blood or urine or while
18 under the influence of an intoxicant or habitually
19 operating a vehicle under the influence of an
20 intoxicant; or



1 (c) Adjudications of a minor for a law violation that, if
2 committed by an adult, would constitute a violation of
3 section 291E-4(a), 291E-61, or 291E-61.5,
4 that, at the time of the instant offense, had not been expunged
5 by pardon, reversed, or set aside. All convictions that have
6 been expunged by pardon, reversed, or set aside before the
7 instant offense shall not be deemed prior convictions for the
8 purposes of this section.

9 (7) For the purposes of this section, a person has been
10 convicted for the offense of driving without a valid license if
11 the person has a conviction under section 286-102 that, at the
12 time of the instant offense, had not been expunged by pardon,
13 reversed, or set aside. All convictions that have been expunged
14 by pardon, reversed, or set aside before the instant offense
15 shall not be deemed prior convictions for the purposes of this
16 section."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Driving Without a License; Penalties; Negligent Homicide

Description:

Clarifies that negligent homicide in the first degree shall include situations where a person causes the death of another person while operating a vehicle without a valid license. Establishes that a violation of this provision shall be a class B felony, with escalation to a class A felony when the person has two or more prior convictions for driving without a valid license within five years. Clarifies what constitutes a prior conviction for driving without a valid license. Effective 7/1/3000. (HD1)

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