

STAND. COM. REP. NO. **2223**

Honolulu, Hawaii

FEB 12 2026

RE: S.B. No. 2392
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2392 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that operating a vehicle under the influence of an intoxicant while a highly intoxicated driver is a class C felony and outlines additional requirements for probation.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Hawai'i, Department of Customer Services of the City and County of Honolulu, Maui County Police Department, Maui Brewing Co., Oahu Metropolitan Planning Organization, Lanikai Brewing Company LLC, Big Island Brewhaus, and Kaua'i Island Brewing Co.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee received comments on this measure from the Judiciary and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that a person convicted of the offense of operating a vehicle under the influence of an intoxicant and



found to have been a highly intoxicated driver at the time of the offense is only subject to a petty misdemeanor. Your Committee further finds that while enhancements for highly intoxicated drivers convicted of this offense exist, they are insufficient to deter such hazardous conduct. Your Committee also finds that harshening penalties for highly intoxicated drivers convicted of the offense of operating a vehicle under the influence of an intoxicant promotes public health and protects public safety. This measure will therefore enhance penalties and improve to provide court supervision authorities with sufficient time to assess, monitor, and rehabilitate highly intoxicated drivers.

Your Committee notes the concern raised by the Office of the Prosecuting of the County of Hawaii that a graduated penalty for the offense of operating a vehicle under the influence of an intoxicant as a highly intoxicated driver is more appropriate to protect first-time offenders from drastic consequences. Your Committee also notes the concern raised by the Office of the Prosecuting Attorney of the County of Hawaii that an amendment to clarify that misdemeanor or class C felony operating a vehicle under the influence of an intoxicant as a highly intoxicated driver would not be eligible for a deferred plea, ensuring that the law is consistent.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have made a person who committed the offense of operating a vehicle under the influence of an intoxicant ineligible for the possibility of probation or suspension of sentence if:
 - (A) It was the person's first offense or any offense not preceded within a ten-year period by a conviction for an offense of operating a vehicle under the influence of an intoxicant and the person was a highly intoxicated driver at the time of the subject incident; and
 - (B) It was a subsequent offense that occurred within ten years of a prior conviction for an offense of operating a vehicle under the influence of an intoxicant and the person was a highly intoxicated driver at the time of the subject incident;



- (2) Deleting language that would have made any person convicted of operating a vehicle under the influence of an intoxicant and was a highly intoxicated driver at the time of the subject incident guilty of a class C felony and subject certain sentencing;
- (3) Clarifying that a person convicted under section 291E-61(b)(4), HRS, shall not be subject to additional penalties imposed by section 291E-61(b)(1), Hawaii Revised Statutes (HRS);
- (4) Deleting language that would have subjected a person convicted of driving under the influence and was a highly intoxicated driver at the time of the subject incident to certain sentencing requirements;
- (5) Specifying that a person convicted of operating a vehicle under the influence of an intoxicant and was a highly intoxicated driver at the time of the subject incident shall be guilty of a misdemeanor for a first offense, or any offense not preceded within a ten-year period by a conviction for an offense under section 291E-61, HRS;
- (6) Inserting language that specifies and imposes sentencing and probation requirements for a person convicted of misdemeanor for operating a vehicle under the influence of an intoxicant and was a highly intoxicated driver at the time of the subject incident;
- (7) Clarifying that a person convicted under section 291E-61(b)(5), HRS, shall not also be subject to additional penalties imposed by section 291E-61(b)(2);
- (8) Specifying that a person who is convicted of operating a vehicle under the influence of an intoxicant and was a highly intoxicated driver at the time of the subject incident shall be guilty of a class C felony for an offense that occurs within ten years of a prior conviction under section 291E-61, HRS, and sentenced to certain terms or probation;



- (9) Deleting language that would have subjected a person convicted of operating a vehicle under the influence of an intoxicant within ten years of a prior conviction under section 291E, HRS, and was a highly intoxicated driver at the time of the subject incident to certain sentencing;
- (10) Inserting language to prohibit a deferred acceptance of guilty plea for persons convicted of operating a vehicle under the influence of an intoxicant;
- (11) Amending section 1 to reflect its amended purpose; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2392, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2392, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,


LORRAINE R. INOUÉ, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2392	TRS, JDC	02/03/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
KANUHA, Dru Mamo				✓
LEE, Chris	✓		✓	
DECORTE, Samantha			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink				
File with Committee Report		Committee	Drafting Agency	

*Only one measure per Record of Votes