

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
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CURT T. OTAGURO
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Tuesday, March 24, 2026

9:00 AM

State Capitol, 430

**SB2392, SD2
RELATING TO TRAFFIC SAFETY**

House Committee on Transportation

The Department of Transportation (DOT) supports SB2392, SD2, which specifies that operating a vehicle under the influence of an intoxicant (OVUII) while a highly intoxicated driver is a misdemeanor for a first offense, or any offense not preceded within a 10-year period; upgrades the offense of OVUII while a highly intoxicated driver to a class C felony under certain conditions; and specifies and imposes additional sentencing and probation requirements for a class C felony offense of OVUII while a highly intoxicated driver.

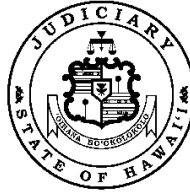
This bill addresses a critical issue of highly intoxicated drivers on our roadways. The DOT views this as a significant step towards reducing impaired driving and protecting the lives of our community members and visitors on Hawaii's roads.

The enhanced penalties proposed in this bill, including mandatory rehabilitation programs, extended license revocation periods, ignition interlock device installation, increased fines, community service, and imprisonment terms, align with our department's goal of implementing effective countermeasures against impaired driving. These stricter consequences serve not only as punishment but also as deterrents, encouraging individuals to separate the acts of drinking and driving.

The additional probation requirements outlined in the bill further support the rehabilitation and monitoring of offenders, which is crucial in preventing recidivism and ensuring long-term behavioral changes. By implementing a comprehensive approach that combines punitive measures with rehabilitative efforts, this legislation has the potential to significantly reduce the incidence of highly intoxicated driving on our roads.

The DOT is primarily concerned with improving highway safety and protecting lives. We believe that SB2392 SD2 will contribute to changing behaviors so that people plan ahead and arrange for alternatives to driving while impaired, such as using rideshare services, public transportation, or designating a sober driver.

We respectfully urge the Committee to pass this measure, as it represents a crucial step in our ongoing efforts to combat impaired driving and its devastating consequences.



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Transportation
Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair

Tuesday, March 24, 2026 at 9:00 a.m.
State Capitol, Conference Room 430 & Videoconference

By

Jennifer Awong
Staff Attorney, Circuit Court of the First Circuit

Bill No. and Title: Senate No. 2392, SD 2, Relating to Traffic Safety.

Purpose: Specifies that operating a vehicle under the influence of an intoxicant while a highly intoxicated driver is a misdemeanor for a first offense, or any offense not preceded within a ten-year period. Specifies and imposes additional sentencing and probation requirements for a person convicted of a misdemeanor operating a vehicle under the influence of an intoxicant offense. Upgrades the offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver to a class C felony under certain conditions. Specifies and imposes additional sentencing and probation requirements for a class C felony offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver. Prohibits a deferred acceptance of guilty plea for persons convicted of operating a vehicle under the influence of an intoxicant. (SD2)

Judiciary's Position:

The Judiciary provides the following comments to advise the committee of the potential impacts the bill will have on court operations and resource requirements. The Judiciary takes no position on either the proposed legislation or the policy behind the bill.

The proposed legislation amends section 291E-61(b)(4) of the Hawai‘i Revised Statutes (H.R.S.) to elevate the offense of operating a vehicle under the influence of an intoxicant (“OVUII”) while a highly intoxicated driver to a misdemeanor and to a class “C” felony if the defendant was a highly intoxicated driver and had a prior OVUII conviction within the previous



ten years – from the current petty misdemeanor. Defendants charged with misdemeanors and class “C” felonies have a right to a jury trial in circuit court. Since January of 2022, six months after effective date of Act 216 (2021) which first set forth additional penalties for defendants convicted of OVUII as a “highly intoxicated driver,”¹ there have been 861 charges involving highly intoxicated drivers across the State for an average of 216 cases per year.

It is anticipated that this legislation may increase the caseloads in circuit court and the probation departments by an average of 128 cases per year in the First Circuit, 68 cases per year in the Third Circuit, 18 cases per year in the Fifth Circuit, and two cases per year in the Second Circuit. For reference, there are currently approximately 1,200 jury trials pending in the Circuit Court of the First Circuit, with the eight trial divisions averaging a caseload of approximately 150 cases.

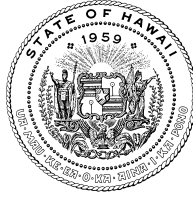
Given this anticipated statewide increase in jury trials and demand for probation services, and in light of the constitutional right of all defendants to a speedy trial, the Judiciary may require an additional circuit court judge² and full staff on O‘ahu, possibly additional resources in other circuits, as well as additional funding for probation services statewide.

Relatedly, the Judiciary’s Driving While Impaired (DWI) Court is a voluntary treatment court on O‘ahu and, although anyone may apply for the program, the target population includes those with one instance of high BAC (0.15 or greater). The goal of the DWI Court Program is for participants to attain sobriety through a comprehensive, court-regulated, treatment plan that provides intervention support for non-violent offenders. The Judiciary appreciates the Legislature’s appropriation of additional resources for the DWI Court during the 2025 legislative session and looks forward to expanding the program.

Thank you for the opportunity to testify on Senate Bill 2392, SD 2.

¹ “Highly intoxicated driver” is defined under H.R.S. § 291E-1 as “a person whose measurable amount of alcohol is: (1) .15 or more grams of alcohol per one hundred milliliters or cubic centimeters of the person’s blood; or (2) .15 or more grams of alcohol per two hundred ten liters of the person’s breath.”

² Statutory authorization already exists for the twenty-fourth division in the Circuit Court of the First Circuit, however it is currently unfunded. *See* H.R.S. § 603-3.



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

House Committee on Transportation

Tuesday, March 24, 2026

9:00 a.m.

State Capitol, Conference Room 430 and Videoconference

In Support

Senate Bill No. 2392 SD2, Relating to Traffic Safety

Chair Kila, Vice Chair Miyake, and Members of the Senate Committee on Transportation:

The Office of the Governor **supports** S.B. No. 2392 SD2, Relating to Traffic Safety.

This measure clarifies that operating a vehicle under the influence of an intoxicant (OVUII) as a highly intoxicated driver constitutes a misdemeanor for a first offense, or for any offense not preceded within a ten-year period. It further elevates the offense to a class C felony under specified conditions and establishes additional sentencing and probation requirements for such felony offenses.

In 2025, this Office issued an executive order to enhance traffic safety and emphasized the need to establish mandatory safety classes for drivers who engage in excessive speeding or operate a vehicle under the influence. SB2392 SD2 advances the State's efforts to achieve this objective.

Furthermore, this measure addresses the serious public safety concern posed by highly intoxicated drivers on Hawai'i's roadways. Strengthening penalties for these offenses represents an important step toward reducing impaired driving and protecting both residents and visitors.

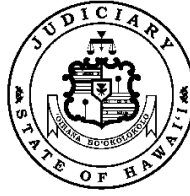
The enhanced penalties proposed in this bill, including mandatory rehabilitation programs, extended license revocation periods, ignition interlock device requirements, increased fines, community service, and potential terms of imprisonment, align with the State's goal of implementing effective strategies to deter impaired driving. These measures serve not only as consequences but also as meaningful deterrents that encourage safer decision making.

Testimony of the Office of the Governor
S.B. No. 2392 SD2
March 24, 2026
Page 2

Additionally, the probation provisions support ongoing monitoring and rehabilitation of offenders, helping to reduce repeat offenses and promote long term behavioral change. By combining accountability with rehabilitation, this measure takes a comprehensive approach to improving roadway safety.

The Office remains committed to advancing policies that protect public safety and encourage responsible choices, including planning for alternative transportation options when impaired.

Mahalo for the opportunity to provide testimony on this measure.



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Transportation
Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair

Tuesday, March 24, 2026 at 9 a.m.
State Capitol, Conference Room 430 & Videoconference

By

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2392, SD 2, Relating to Traffic Safety.

Purpose: Specifies that operating a vehicle under the influence of an intoxicant while a highly intoxicated driver is a misdemeanor for a first offense, or any offense not preceded within a ten-year period. Specifies and imposes additional sentencing and probation requirements for a person convicted of a misdemeanor operating a vehicle under the influence of an intoxicant offense. Upgrades the offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver to a class C felony under certain conditions. Specifies and imposes additional sentencing and probation requirements for a class C felony offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver. Prohibits a deferred acceptance of guilty plea for persons convicted of operating a vehicle under the influence of an intoxicant. (SD2)

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 January 1, 2027. This additional time is critical to ensure proper implementation by the courts which would include necessary updates to the Judiciary Information Management System (JIMS) and to the traffic payment system, and the adjustment of operational resources to account for a possible increase to the traffic court calendar.



Senate Bill No. 2392, SD 2, Relating to Traffic Safety
House Committee on Transportation
Tuesday, March 24, 2026 at 9:00 a.m.
Page 2

Thank you for the opportunity to testify on Senate Bill No. 2392, SD2.

JON N. IKENAGA
PUBLIC DEFENDER

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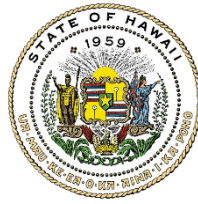
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March 22, 2026

SB 2392, SD2: RELATING TO TRAFFIC SAFETY

Chair Kila, Vice-Chair Miyake, and Members of the Committee on Transportation:

The Office of the Public Defender respectfully **opposes** SB 2392 SD2.

At the outset, the OPD appreciates that the SD1 and SD2 versions of this measure reflects a meaningful improvement from prior drafts. Specifically, the bill no longer elevates a first-time Operating a Vehicle Under the Influence of an Intoxicant (OVUII) offense involving a “highly intoxicated driver” to a felony.¹ This change appropriately recognizes the significant and lasting consequences associated with felony convictions and avoids imposing felony-level punishment for first-time, non-injury conduct.

However, despite this improvement, the OPD continues to have serious concerns regarding the expanded penalties and broader impacts of this measure. While the OPD fully supports efforts to promote roadway safety and prevent impaired driving, SB 2392 SD2 still represents a substantial increase in punishment that is not supported by evidence that it will meaningfully improve public safety outcomes.

¹ Hawaii Revised Statute § 291E-1: "Highly intoxicated driver" means a person whose measurable amount of alcohol is:

- (1) .15 or more grams of alcohol per one hundred milliliters or cubic centimeters of the person's blood; or
- (2) .15 or more grams of alcohol per two hundred ten liters of the person's breath.

Under existing law, Hawai‘i already imposes enhanced penalties for “highly intoxicated” drivers, including mandatory minimum jail time, extended license revocation periods, and ignition interlock requirements. The current framework provides courts with meaningful tools to address impaired driving while preserving proportionality and judicial discretion.

This measure significantly increases penalties for first-time offenders by creating a new misdemeanor framework that includes mandatory jail terms, longer periods of supervision, and heightened financial penalties. For a first-time, non-injury offense, the bill imposes a minimum term of incarceration or extended probation conditions, which represents a notable escalation from current law.

The bill authorizes a term of probation of up to four years for a misdemeanor OVUII offense involving a “highly intoxicated driver.” This is significantly longer than the probationary terms typically authorized for misdemeanor offenses under Hawai‘i’s penal code and greatly exceeds the standard maximum probationary period of one-year for misdemeanor convictions (with the exception of domestic violence related misdemeanors which require a two-year probationary term).² Imposing a four-year term of supervision for a non-felony offense represents a substantial departure from established sentencing norms and raises concerns about proportionality.

Extended probationary terms also increase the likelihood that individuals will be returned to custody for technical violations such as missed appointments or noncompliance with conditions rather than new criminal conduct. This prolonged supervision can create a cycle of system involvement that undermines stability in employment, housing, and treatment, all of which are critical to reducing recidivism and promoting long-term public safety.

The bill continues to rely on a numerical blood alcohol concentration threshold (.15 or greater) as the basis for heightened criminal liability. This metric varies significantly based on individual physiology, timing of testing, and other factors, and is subject to measurement limitations that are frequently litigated in court. A high BAC level does not uniformly correlate with dangerous driving behavior in

² Hawaii Revised Statute § 706-623 Terms of probation states in part:

- (1) When the court has sentenced a defendant to be placed on probation, the period of probation shall be as follows, unless the court enters the reason therefor on the record and sentences the defendant to a shorter period of probation:
 - (c) One year upon conviction of a misdemeanor; except that upon a conviction under section 586-4, 586-11, or 709-906, the court may sentence the defendant to a period of probation not exceeding two years;

every case. Elevating penalties based solely on this threshold risks over-penalizing individuals without a corresponding increase in public safety.

Additionally, available data suggests that most OVUII arrests in Hawai‘i involve first-time offenders, and that repeat impaired driving is concentrated among a smaller subset of individuals with more significant substance use disorders.³ Broadly increasing penalties for all individuals meeting the “highly intoxicated” threshold does not effectively target the population most at risk of reoffending and is therefore unlikely to achieve the intended deterrent effect.

From a systemic perspective, the expansion of penalties and creation of new sentencing structures will increase demands on the courts, correctional system, and supervision resources. For the OPD, this measure will result in more complex cases, increased litigation, and greater strain on already overextended felony and misdemeanor caseloads. Hawai‘i’s correctional system remains overcrowded with limited resources, and expanding incarceration and supervision without corresponding investments in treatment and prevention will exacerbate these existing challenges.

The OPD respectfully submits that limited state resources would be more effectively directed toward evidence-based strategies that have been shown to reduce impaired driving, including prevention efforts, early intervention, substance use treatment, and ensuring compliance with ignition interlock requirements. These approaches address the underlying causes of impaired driving and promote long-term public safety more effectively than increased criminal penalties alone.

While the OPD acknowledges and appreciates the Legislature’s efforts to refine this measure and avoid felony treatment for first-time offenses, the bill still expands punishment in a manner that is not supported by evidence, risks unintended consequences, and places additional strain on the criminal justice system.

For these reasons, the Office of the Public Defender **opposes** SB 2392 SD2.

Thank you for the opportunity to comment.

³ <https://ag.hawaii.gov/cpja/files/2013/01/DUI-Report-2005.pdf>



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Transportation

03/24/26 9:00 AM

CR 430 & Videoconference

SB2392 SD2

RELATING TO HIGHWAY SAFETY

Dear Chair Kila, Vice Chair Miyake and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2392 SD2** which specifies that operating a vehicle under the influence of an intoxicant while a highly intoxicated driver is a misdemeanor for a first offense, specifies and imposes additional sentencing and probation requirements for a person convicted of a misdemeanor operating a vehicle under the influence of an intoxicant offense, upgrades the offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver to a class C felony under certain conditions, specifies and imposes additional sentencing and probation requirements for a class C felony offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver, and prohibits a deferred acceptance of guilty plea for persons convicted of operating a vehicle under the influence of an intoxicant.

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.

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Police Chief

William V. Brillhante Jr.
Managing Director

County of Hawai`i

POLICE DEPARTMENT

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March 20, 2026

Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair
And Members
Committee on Transportation
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Representatives Kila and Miyake Committee Members:

RE: SENATE BILL 2392 SD2 RELATING TO TRAFFIC SAFETY
DATE: MARCH 24, 2026
TIME: 9:00 A.M.
PLACE: VIDEOCONFERENCE
CONFERENCE ROOM 430

The Hawai`i Police Department (HPD) supports SB2392 SD2, which strengthens Hawai`i's laws relating to operating a vehicle under the influence of an intoxicant (OVUII), particularly for individuals identified as highly intoxicated drivers. This measure enhances penalties for high-risk impaired driving behavior, expands supervision options, and removes deferred plea eligibility for OVUII offenses.

Current law provides only limited sentencing enhancements for highly intoxicated drivers, such as an additional forty-eight hours of jail and extended license revocation, while the underlying offense remains a petty misdemeanor. These consequences are often insufficient to deter individuals who pose a significant danger due to extremely high blood alcohol concentrations (BAC).

SB2392 SD2 updates this framework by establishing a tiered system of penalties for highly intoxicated drivers. Under this bill, a first offense within a ten-year period becomes a misdemeanor with increased mandatory penalties, including longer license revocations, minimum jail terms, and expanded substance abuse treatment requirements. For individuals who commit a subsequent high-BAC OVUII offense within ten years, the bill authorizes charging the offense as a Class C felony. This upgrade gives the courts greater authority to impose meaningful consequences and long-term probation supervision while ensuring appropriate treatment interventions.

SENATE BILL 2392 SD2 RELATING TO TRAFFIC SAFETY

DATE: MARCH 24, 2026

TIME: 9:00 A.M.

PLACE: VIDEOCONFERENCE
CONFERENCE ROOM 430

Page 2

This bill also gives courts clearer tools to promote accountability and compliance through conditions of probation, the use of ignition interlock devices, and structured pathways for early termination of revocation for individuals who demonstrate responsible use of ignition interlock systems. Importantly, SB2392 SD2 eliminates eligibility for deferred acceptance of guilty or no-contest pleas for all OVUII offenses, ensuring that convictions are appropriately reflected and considered in future sentencing.

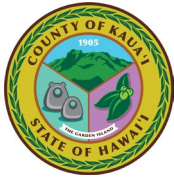
The need for strengthened measures is evident. Impaired driving remains a significant threat on Hawai'i roads. HPD data continue to show that a substantial portion of OVUII arrests involve drivers with very high BAC levels, creating extremely hazardous conditions for all roadway users. Enhanced penalties and supervision for these high-risk drivers will help reduce repeat offenses and improve public safety.

For these reasons, the Hawai'i Police Department respectfully urges the Committee to pass SB2392 SD2. Thank you for the opportunity to testify.

Na'u Me Ka Ha'aha'a,

A handwritten signature in black ink, appearing to be 'REED K. MAHUNA', with a long horizontal stroke extending to the right.

REED K. MAHUNA
POLICE CHIEF



POLICE DEPARTMENT COUNTY OF KAUA'I



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

RUDY TAI, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

March 20, 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 Senate Bill 2392 SD2, Relating to Traffic 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 SB 2392 SD2, which enhances penalties and establishes additional sanctions within the offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) when committed by a "highly intoxicated driver," and establishes a Class C felony offense for repeat or otherwise qualifying offenses.

SB 2392 SD2 appropriately recognizes that drivers who operate a vehicle with a blood alcohol concentration significantly above the legal limit pose an elevated and unacceptable risk to the public. By providing enhanced penalties and probation conditions for highly intoxicated drivers—and elevating certain qualifying offenses to a Class C felony—the measure reflects the heightened danger associated with extreme impairment and reinforces meaningful accountability.

In my experience enforcing traffic laws, alcohol impairment—along with speed and distracted driving—is consistently a major contributing factor in serious and fatal crashes. Drivers with blood alcohol concentrations significantly above the legal limit (e.g., .15 or higher) present substantially diminished judgment, reaction time, and vehicle control. Enhanced penalties for these cases are appropriate to reflect the increased risk and to strengthen deterrence.

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.

SB 2392 SD2 is a reasonable, evidence-based measure that strengthens public safety, enhances deterrence, and provides courts with meaningful tools for supervision and rehabilitation of highly intoxicated drivers.

Chair Kila
March 20, 2026
Re: SB 2392 SD2
Page 2 of 2

For these reasons, the Kaua'i Police Department respectfully urges the Committee to **pass SB 2392 SD2**.
Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rudy Tai".

Rudy Tai
Chief of Police
Kaua'i Police Department

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2392 SENATE DRAFT 2

A BILL FOR AN ACT
RELATING TO TRAFFIC SAFETY

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

Tuesday, March 24, 2026 at 9:00 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 strong support** of Senate Bill 2392, Senate Draft 2.

SB 2392, SD 2 was drafted with the intent to enhance public safety by amending HRS Section 291E-61 to create a class C felony offense for highly intoxicated drivers who operate a vehicle under the influence of an intoxicant, whose actions put our communities at high risk of death and serious bodily injury on the roadways. The felony offense would allow appropriate interventions to stop and rehabilitate these drivers.

Intoxicated drivers pose a grave and ongoing threat to public safety in Hawai'i, and the most highly intoxicated drivers are the most dangerous. Trends show that drivers with high blood alcohol concentration are disproportionately responsible for serious crashes, catastrophic injuries, and traffic fatalities. These are not momentary lapses in judgment—driving while highly intoxicated demonstrates extreme disregard for the safety of others on our roadways, and the tragic results are no accident.

For nearly a decade, traffic safety advocates, law enforcement, prosecutors, and community organizations across the State have worked collaboratively to reduce impaired driving and save lives. While current law includes enhanced penalties for highly intoxicated drivers, those enhancements are limited and minimal. The offense continues to be treated as a petty misdemeanor, with penalties that are insufficient to deter the most dangerous offenders or provide courts with the tools necessary to address chronic alcohol abuse and dependence.

This measure recognizes that highly intoxicated driving is the most dangerous form of impaired driving and treats it with appropriate interventions. With a class C felony offense, the

courts can impose meaningful supervision, accountability, and treatment over a longer period. The availability of felony-level probation gives the justice system the ability to assess risk and monitor an offender's compliance with substance abuse counseling and rehabilitation to prevent future harm.

Importantly, this bill is not solely punitive in its intent. SB 2392, SD 2 balances accountability with rehabilitation by emphasizing substance abuse evaluation, treatment, ignition interlock requirements, and structured probation. These provisions protect the public while also addressing the underlying alcohol abuse issues that often drive repeat offenses.

SB 2392, SD 2 addresses the opposition's concerns regarding graduated sanctions and addresses any ambiguity within existing law under Chapter 853. This bill includes three substantial changes to the original SB 2392: 1) a first conviction as a highly intoxicated driver would be a misdemeanor offense, instead of a felony, and punishable by either 10 days jail and statutory provisions or 1 year probation with no less than 5 days in jail and statutory provisions; 2) a second conviction as a highly intoxicated driver within ten years would be a class C felony offense and punishable by either a five-year prison term or four years probation with no less than thirty days jail and statutory provisions; and 3) amend HRS Section 853 to include OVUII as an excluded offense to clarify any ambiguity on the availability of a deferral.

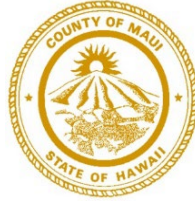
SB 2392, SD 2 will protect the public, promote public safety, and deter those who choose to drive while highly intoxicated from hurting themselves or others. Alcohol-related traffic fatalities in Hawai'i make it clear that stronger action is necessary. Every fatal or life-altering crash caused by a highly intoxicated driver is preventable. This legislation sends a clear message that Hawai'i will not tolerate conduct that endangers lives and devastates families, while still offering a path toward rehabilitation and recovery.

For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney **strongly supports** the passage of Senate Bill 2392, Senate Draft 2. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
S.B. 2392 SD2
RELATING TO TRAFFIC SAFETY

March 23, 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 S.B. 2392 SD2, Relating to Traffic Safety**. This measure, *inter alia*, increases the penalty to a misdemeanor or a class C felony for Operation of a Vehicle Under the Influence of an Intoxicant (“OVUII”) when the operator is a highly intoxicated driver, depending on whether the operator has prior convictions for OVUII as a highly intoxicated driver.

We support this bill because the increased penalty will act as a significant deterrent to any driver who decides to drive while intoxicated, not just highly intoxicated drivers. We also believe it will provide necessary clarifications to the OVUII sentencing process, as well as offer a fair alternative to the current OVUII language that supports the substantial public safety interest in deterring intoxicated driving using a graduated approach to criminal penalties.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2392 SD2**. 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.



March 24, 2026

COMMITTEE ON TRANSPORTATION

Rep. Darius K. Kila, Chair

Rep. Tyson K. Miyake, Vice Chair

Aloha Chair Kila, Vice Chair Miyake, and members of the House Committee on Transportation,

The Keiki Injury Prevention Coalition strongly supports SB2392 SD2, which enhances penalties for highly intoxicated drivers and prohibits deferred acceptance of guilty pleas for OVUII offenses.

Motor vehicle crashes remain the leading cause of death and injury for Hawaii's children. Impaired driving significantly contributes to these tragedies, endangering keiki as passengers, pedestrians, or future drivers.

Stricter measures for high-BAC and repeat offenders will deter dangerous behavior, promote safer roads, and align with evidence-based traffic safety efforts to protect our most vulnerable.

Thank you for advancing this important bill. KIPC urges its passage.

Mahalo for your consideration and commitment to transportation safety.

Sincerely,

Lisa Dau, RN, Injury Prevention Coordinator

Keiki Injury Prevention Coalition

lisa.dau@kapiolani.org

<https://kipchawaii.org/>

March 24, 2026

House Committee on Transportation
Support for SB 2392, SD2, Relating to Traffic Safety



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

The **State of Hawai'i Organization of Police Officers (SHOPO)** supports **SB 2392, SD2**, which specifies that operating a vehicle under the influence of an intoxicant while a highly intoxicated driver is a misdemeanor for a first offense, or any offense not preceded within a ten-year period and imposes additional sentencing and probation requirements for a person convicted of a misdemeanor operating a vehicle under the influence of an intoxicant offense. It upgrades the offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver to a class C felony under certain conditions and imposes additional sentencing and probation requirements for a class C felony offense of operating a vehicle under the influence of an intoxicant while a highly intoxicated driver.

This measure strengthens the State's ability to address the most dangerous forms of impaired driving while maintaining a clear and proportional penalty structure. Law enforcement officers routinely encounter situations where drivers are not only under the influence, but are highly intoxicated to a level that presents an extreme risk to the public. By creating more specific penalties for highly intoxicated drivers and allowing the offense to be elevated under certain conditions, the bill recognizes the increased danger posed by these cases and provides consequences that better reflect the seriousness of the conduct. This helps reinforce deterrence and supports officers' efforts to prevent serious injuries and fatalities on Hawai'i's roads.

SHOPO also supports the bill because it establishes clear sentencing requirements, which promotes consistency in how these cases are handled after arrest. When penalties are well-defined in statute, it reduces uncertainty in enforcement and helps ensure that repeat or high-risk offenders are subject to appropriate supervision, treatment, and accountability.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

State of Hawai'i Organization of Police Officers (SHOPO)



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
TUESDAY, MARCH 24, 2026 AT 9:00 A.M.**

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

SUPPORT FOR SB2392 REALTING TO TRAFFIC SAFETY

The Maui Chamber of Commerce appreciates the opportunity to provide testimony in support of SB2392.

We support efforts to improve roadway safety and hold impaired drivers accountable. Dangerous and impaired driving puts lives at risk, and there must be meaningful consequences for individuals who engage in reckless behavior. Strengthening enforcement and penalties for repeat offenders, highly intoxicated drivers, and those whose actions clearly endanger others is an appropriate and necessary policy direction.

SB2392 reflects this balanced and targeted approach. By focusing on behavior, risk, and personal responsibility, the measure enhances penalties where they are most warranted—particularly in cases involving repeat offenses, high levels of intoxication, or demonstrably dangerous conduct. This approach prioritizes public safety while maintaining fairness and proportionality in the law.

We believe the Legislature can and should take decisive action to reduce impaired driving, but that action should be focused on those who pose the greatest risk to public safety. SB2392 achieves this by strengthening penalties without overreaching or broadly redefining impairment standards.

We appreciate the opportunity to share our support of this bill and ask that you move it forward.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-2392-SD-2

Submitted on: 3/20/2026 1:46:45 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

I, Johnnie-Mae L. Perry, Support

2392 SB RELATING TO TRAFFIC SAFETY.

SB-2392-SD-2

Submitted on: 3/23/2026 9:15:06 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Strong support. We are slowly but surely getting to the point where everyone knows that if you drink, don't drive. Period.

It is not treating your neighbor as yourself when you put someone else's life in danger by driving impaired.