

ACT 11

S.B. NO. 225

A Bill for an Act Relating to Driving Under the Influence.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291E-61.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) For the purposes of this section:

(1) “Convicted three or more times for offenses of operating a vehicle under the influence” means that, at the time of the behavior for which the person is charged under this section, the person had three or more times within ten years of the instant offense:

[(1)] (A) A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for a violation of [~~this section or~~] section 291-4, 291-4.4, or 291-7 as those sections were in effect on December 31, 2001, or section 291E-61 or 707-702.5;

[(2)] (B) A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for an offense that is comparable to [~~this section or~~] section 291-4, 291-4.4, or 291-7 as those sections were in effect on December 31, 2001, or section 291E-61 or 707-702.5; or

[(3)] (C) An adjudication of a minor for a law or probation violation that, if committed by an adult, would constitute a violation of

~~[this section or]~~ section 291-4, 291-4.4, or 291-7 as those sections were in effect on December 31, 2001, or section 291E-61 or 707-702.5[;].

that, at the time of the instant offense, had not been expunged by pardon, reversed, or set aside. All convictions that have been expunged by pardon, reversed, or set aside prior to the instant offense shall not be deemed prior convictions for the purposes of proving that the ~~[person's status as]~~ person is a habitual operator of a vehicle while under the influence of an intoxicant.

~~[A person has the status of a "habitual]~~

(2) "Convicted one or more times for offenses of habitually operating a vehicle under the influence" means that, at the time of the behavior for which the person is charged under this section, the person had one or more times within ten years of the instant offense:

(A) A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for a violation of this section or section 291-4.4 as that section was in effect on December 31, 2001;

(B) A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for an offense that is comparable to this section or section 291-4.4 as that section was in effect on December 31, 2001; or

(C) An adjudication of a minor for a law or probation violation that, if committed by an adult, would constitute a violation of this section or section 291-4.4 as that section was in effect on December 31, 2001.

that, at the time of the instant offense, had not been expunged by pardon, reversed, or set aside. All convictions that have been expunged by pardon, reversed, or set aside prior to the instant offense shall not be deemed prior convictions for the purposes of proving the person's status as a habitual operator of a vehicle while under the influence of an intoxicant.

(3) "Habitual operator of a vehicle while under the influence of an intoxicant" [if] means that the person [has been]:

(A) Was convicted three or more times [within ten years of the instant offense,] for offenses of operating a vehicle under the influence [of an intoxicant.]; or

(B) Was convicted one or more times for offenses of habitually operating a vehicle under the influence."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 21, 2015.)