
A BILL FOR AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT.

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

1 SECTION 1. Chapter 291E, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§291E- Persons arrested for operating a vehicle under
5 the influence of an intoxicant; conditions prior to release from
6 custody. No person arrested for a violation of section 291E-61
7 or 291E-61.5 shall be released from custody unless:

8 (1) The person is no longer under the influence of any:

9 (A) Alcohol that impairs the person's normal mental
10 faculties or ability to care for the person and
11 guard against casualty; or

12 (B) Drug that impairs the person's ability to operate
13 the vehicle in a careful and prudent manner;

14 (2) For a person arrested for being under the influence of
15 alcohol and no other intoxicant, there is .05 or less
16 grams of alcohol per one hundred milliliters or cubic
17 centimeters of the person's blood or .05 or less grams



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1 of alcohol per two hundred ten liters of the person's
 2 breath; or
 3 (3) Eight hours have elapsed from the time the person was
 4 arrested;
 5 whichever occurs first."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

J. Oll.

Cen

Dale

John M. Mason
Beth Sukimoto

Debra

Gregory Telp

Art

Cindy Evans

Tom Brun

K.L.

Brend Kajashi
Nicole E. Louer

Genthi Thelen

Or

W. A. ...
Shawn ...
... ..

Kristen Wood



Jakachi Orno

Denny Coffman

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Report Title:

Alcohol; Drugs; Driving Under the Influence of an Intoxicant;
Conditions Prior to Release from Custody

Description:

Imposes conditions to ensure that persons arrested for driving under the influence of an intoxicant are sober prior to being released from custody.

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