

Honolulu, Hawaii

March 2, 2006

RE: H.B. No. 2780
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2780 entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS,"

begs leave to report as follows:

The purpose of this bill is to give a first-time drug offender who was sentenced before July 1, 2002, another chance by adding a new section to Act 161, Session Laws of Hawaii 2002 (SLH), that allows the offender to:

- (1) Apply for resentencing, if the offender has a satisfactory record of drug treatment and drug abstinence and no other criminal record; and
- (2) Upon re-sentencing, apply for expungement of the criminal record; provided that the court has not granted the offender a prior expungement.

The Office of the Public Defender and Community Alliance on Prisons testified in support of this measure. The Department of the Attorney General, Department of the Prosecuting Attorney, and Honolulu Police Department opposed this bill.

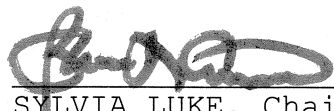
Your Committee has amended this measure by:



- (1) Adding a new section to Chapter 706, Hawaii Revised Statutes, rather than SLH;
- (2) Changing the sentencing cut-off date to July 1, 2004;
- (3) Allowing a first-time drug offender, involving possession and use, but not manufacturing or distributing, who is sentenced to probation to apply for expungement;
- (4) Requiring the court to expunge the criminal record, if the offender has successfully completed a substance abuse treatment program and has complied with other conditions of the court; and
- (5) Making technical, nonsubstantive amendments, for consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2780, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2780, H.D. 1, and be placed on the calendar for Third Reading.

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


for SYLVIA LUKE, Chair



