

Honolulu, Hawaii
March 3, 2006

RE: H.B. No. 3014
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. 3014 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this bill is to regulate persons, other than law enforcement officers, who apprehend bail fugitives, including:

- (1) Establishing their qualifications;
- (2) Establishing requirements and prohibiting certain practices for fugitive apprehension;
- (3) Establishing a penalty for violations; and
- (4) Permitting surrender of a defendant by a bail bond agent only if the defendant has violated a condition of the bond.

Several concerned individuals testified in support of this bill. The Honolulu Police Department supported this measure with amendments. Numerous concerned individuals opposed this bill.

Your Committee has amended this bill by:

- (1) Deleting the definition of "bail bond agent";



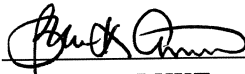
- (2) Removing the requirement that a person authorized to apprehend or arrest a bail fugitive hold a certificate of completion of an examination or training program, and amending the definition of "bail agent" accordingly;
- (3) Replacing the term "person authorized to apprehend a bail fugitive" with "bail fugitive recovery person" and replacing instances of the term within the bill;
- (4) Adding a definition of "law enforcement officer";
- (5) Including a bail agent in the types of persons authorized to apprehend or arrest a bail fugitive;
- (6) Changing the requirements that a bail fugitive recovery person must comply with, as follows:
 - (A) Removing the requirement that the person pass a written examination administered by the State;
 - (B) Requiring that the person not have been convicted of a felony within the last ten years;
 - (C) Removing the requirement that the person not have been convicted of an aggravated misdemeanor;
 - (D) Removing the requirement that the person not have been convicted of any offense in which a dangerous weapon was used;
 - (E) Requiring the person to register with the Attorney General; and
 - (F) Requiring the person to, at all times while performing related duties, carry photographic identification cards attesting to registration;
- (7) Stipulating the following, relating to surrendering a bail fugitive to the custody of the chief of police, the chief's authorized subordinate, or public safety officer:
 - (A) The person authorized to apprehend a bail fugitive shall produce documentation of proof that the surrendered person is a bail fugitive;



- (B) The chief of police and director of public safety shall designate the sites where surrender may occur; and
- (C) The police may refuse to accept surrender if proper identification and documentation are not presented;
- (8) Removing the penalty for persons who conspire with another person to violate the new provisions;
- (9) Clarifying that sureties may discharge themselves by surrendering a defendant only after a breach of one or more conditions of bail, or if the defendant becomes incarcerated for offenses other than the subject of surety; and
- (10) Making technical, nonsubstantive amendments for clarity, consistency, 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. 3014, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3014, H.D. 1, and be placed on the calendar for Third Reading.

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

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SYLVIA LUKE, Chair



