

Honolulu, Hawaii

MAR 31 2006

RE: H.B. No. 3016
H.D. 1
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 3016, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS,"

begs leave to report as follows:

The purpose of this measure is to provide amnesty from prosecution and license suspension or revocation for minor traffic offenses when those offenses are pending at a time when the offender is sentenced to prison. This measure also provides that the Judicial Council shall conduct a review of the backlog of arrest warrants on incarcerated persons and in the general population, and make recommendations to the Legislature.

Testimony in support of this measure was submitted by the Office of the Public Defender. Testimony in opposition to this measure was submitted by the Attorney General, the Department of the Prosecuting Attorney for the City and County of Honolulu, and the Honolulu Police Department. The Judiciary provided comments on this measure.

Your Committee finds that the backlog of unserved warrants is an issue that must be immediately addressed to ensure that the problem is not further exacerbated. However, most of the testimony received expressed concern regarding the amnesty provision in this measure.

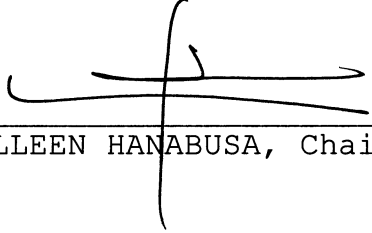
Accordingly, your Committee has amended this measure to:



- (1) Delete the amnesty program for traffic offenses committed by a person who has been sentenced to prison for a felony;
- (2) Add a new section to chapter 604 stating that in any criminal proceeding, the court shall use due diligence in serving any outstanding traffic warrants on the defendant;
- (3) Add a new section to chapter 353 to require the Hawaii paroling authority, in the event of suspension or revocation of parole, to inform the court of all outstanding traffic warrants issued against the parolee so that warrants may be served on the parolee in a timely manner; and
- (4) Combine the two sections requiring the judicial council, through a review committee, to conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the State's correctional facilities, and the entire backlog of unserved arrest warrants, and recommend to the legislature action necessary so these warrants will be served without further delay.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3016, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3016, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,


COLLEEN HANABUSA, Chair



