

Honolulu, Hawaii

APRIL 27, 2006

RE: S.B. No. 2260
S.D. 1
H.D. 1
C.D. 1

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

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

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2260, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide for a mandatory sentence of thirty years to life for habitual violent offenders.

There is strong support for a mandatory sentence of thirty years to life for habitual violent offenders. However, your Committee on Conference emphasizes that this measure is not the same as the "Three Strikes" law that is currently followed in California.

Your Committee on Conference has amended this measure to:

- (1) Delete the section that provided that the court may, upon the motion of the defendant, impose a mitigated sentence



that departs from the mandatory sentencing requirements in the measure;

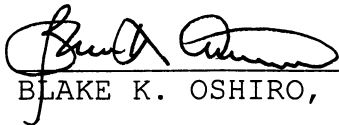
- (2) Insert language to state that a person is a "habitual violent felon" if either the current conviction or at least one of the prior and separate convictions is for an offense other than burglary in the first degree. This insertion is to ensure the intent of the Legislature that three burglaries are not to be subject to mandatory sentencing under this measure;
- (3) Reinsert the offenses of sexual assault in the second degree, continuous sexual assault of a minor under the age of fourteen years, robbery in the second degree, and burglary in the first degree to the list of offenses that fall under the definition of "crimes of violence"; and
- (4) Change the effective date to upon approval and change the sunset date to July 1, 2011.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2260, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2260, S.D. 1, H.D. 1, C.D. 1.

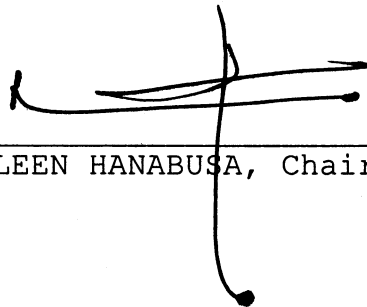
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



BLAKE K. OSHIRO, Chair



COLLEEN HANABUSA, Chair



