

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2260
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 S.B. No. 2260 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

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

In addition, this measure:

- (1) Adds twenty-one class C felonies to those offenses subject to repeat offender sentencing;
- (2) Provides higher maximum terms for repeat offenders and lower penalties for most misdemeanor and petty misdemeanor offenses;
- (3) Amends repeat offender statute to:
 - (a) Change the method of calculating the period of eligibility for repeat offender sentencing by adding the time a defendant spends on probation, parole, or in prison to the otherwise applicable period; and
 - (b) Enhance certain sentencing provisions; and



- (4) Adds twenty class B and class C felonies to the list of offenses for which a deferred acceptance plea (DAG or DANC) is not permitted.

Testimony in support of this measure was submitted by the Attorney General, the Prosecuting Attorney of the City and County of Honolulu, the Prosecuting Attorney of the County of Maui, the Hawaii Police Department, the Honolulu Police Department, the Criminal Investigation Division of the Honolulu Police Department, the Maui Police Department, the State of Hawaii Organization of Police Officers, the Kuli`ou`ou/Kalani Iki Neighborhood Board #2, the Hawaii Hotel and Visitor Industry Security Association, Waikiki Beach Activities, Ltd., Retail Merchants of Hawaii, the Sex Abuse Treatment Center, and two individuals. Testimony in opposition to this measure was submitted by the Office of the Public Defender, the Community Alliance on Prisons, and four individuals.

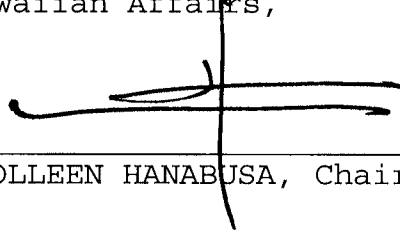
Your Committee finds that there is strong support for a mandatory sentence of thirty years to life for habitual violent offenders. Other changes to the Hawaii Penal Code proposed in this measure were deleted because the significant changes posed have serious implications and require further review. Your Committee has recommended that a task force be established to review the changes that were deleted, which can be accomplished by resolution.

Your Committee has amended this measure to retain the portion providing for a mandatory sentence of thirty years to life imprisonment for habitual violent offenders and deleted all other proposed changes to the Hawaii Penal Code. Your Committee also inserted a savings clause and made other nonsubstantive, technical changes.

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 S.B. No. 2260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2260, 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,

A handwritten signature in black ink, appearing to be 'COLLEEN HANABUSA', written over a horizontal line. The signature is stylized with a vertical line crossing through it.

COLLEEN HANABUSA, Chair



