

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2581
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. 2581 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the judiciary to
adopt procedures to reduce the backlog of unserved arrest
warrants.

Specifically this measure seeks to reduce the backlog by:

- (1) Establishing an amnesty program by which persons charged
with an offense for which fines, but no imprisonment,
are authorized and for whom an arrest warrant was issued
may surrender without being arrested or having to post
bail; and
- (2) Authorizing the service of warrants by retired police
and public safety officers.

Testimony in support of this measure was submitted by the
Department of the Prosecuting Attorney for the County of Maui, the
Office of the Public Defender, and Mothers Against Drunk Driving.
Testimony in opposition to this measure was submitted by the
Judiciary, the Attorney General, the City and County of Honolulu
Prosecuting Attorney, and the Honolulu Police Department.



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, your Committee further finds that the extent of the problem must first be ascertained to determine the best method for appropriately addressing the problem. Although your Committee received testimony indicating that there is a significant backlog of unserved warrants, no party, including the Judiciary, was able to provide a true accounting of the number of unserved traffic and felony warrants currently in existence. Your Committee is concerned that an accurate picture of the extent and nature of the problem first be realized before crafting possible solutions. Additionally, your Committee is concerned that the measure's title is not broad enough to encompass the subject of providing amnesty to individuals who are the subject of unserved warrants. As a result, your Committee recommends that a resolution be introduced to establish a task force to further study the number and nature of the backlog of unserved warrants, conduct research on alternative solutions from other jurisdictions on addressing the problem, and make recommendations to the Legislature regarding resolution.

Your Committee further finds that many of these warrants are unserved due to a lack of sufficient personnel to provide service. This measure will provide the necessary authority to empower additional personnel to help to ameliorate the current service problem.


Accordingly, your Committee amended this measure to:

- (1) Delete the amnesty program in section 1 of the measure because the subject does not suggest a logical connection that is germane to the title of "relating to the backlog of unserved warrants"; and
- (2) Delete the reporting requirement since the portion pertaining to the Judiciary has been removed from this measure.

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. 2581, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2581, 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



