

Honolulu, Hawaii

APR 11 2006

RE: S.C.R. No. 89
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.C.R. No. 89 entitled:

"SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO
EXAMINE THE ISSUE OF CHANGES TO THE HAWAII PENAL CODE FOR THE
SENTENCING OF REPEAT OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to convene a task force to
examine the issue of changes to the Hawaii Penal Code for the
sentencing of repeat offenders.

Your Committee received testimony in support of this measure
from the Department of the Attorney General (Attorney General) and
the Department of the Prosecuting Attorney for the City and County
of Honolulu.

During the 2006 Regular Session, a measure was introduced
which sought to:

- (1) Expand the types of offenses subject to higher maximum
terms for repeat offenders;
- (2) Change the method of calculating the period of
eligibility of repeat offender sentencing; and
- (3) Add twenty class B and class C felonies to the list of
offenses for which a deferred acceptance of plea (DAG or
DANC) is not permitted.



Your Committee finds that these proposed changes to the Hawaii Penal Code may have serious implications and that such significant changes require further in-depth review and examination through a task force study.

Your Committee has amended this measure in accordance with the testimony received from the Attorney General to explicitly state that this resolution does not require the task force to examine Hawaii's three strikes law. The Attorney General wished to make clear that this resolution is not to be used to "backdoor" any additional amendments to the three strikes law.

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 concurs with the intent and purpose of S.C.R. No. 89, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 89, S.D. 1.

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



COLLEEN HANABUSA, Chair



