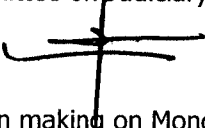


The Senate  
State of Hawaii

STATE CAPITOL  
HONOLULU, HAWAII 96813  
February 10, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs  
FROM: Sen. Colleen Hanabusa, Chair   
SUBJECT: Chair's inclinations for decision making on Monday, February 13, 9:00 a.m.

**The following measures were previously heard on Wednesday, February 8 and deferred from Friday, February 10:**

Bill NO.	Description	Referral
SB 2932	RELATING TO THE COURTS. Requires that the circuit and district courts be open to conduct judicial business during extended hours. Appropriates funds. <b>Chair's inclination: SD1</b> – Insert a defective effective date of July 1, 2050 in order to keep this measure alive for continued discussion since the intent of this bill is to decrease the number of pre-trial detainees held in overcrowded jails awaiting a court hearing and allow for warrants to be processed in a more timely manner.	Referral JHW, WAM
SB 2947	RELATING TO CORRECTIONS. Establishes criteria for contracts with respect to the transfer of inmates to out-of-state correctional facilities. <b>Chair's inclination: SD1</b> – Incorporate some of the amendments proposed by the Community Alliance on Prisons that: 1) all out-of-state correctional facilities furnish the department of public safety with a list of their staff training programs, as well as a description of the training and provide on the department of public safety's website copies of the schedules and descriptions of the training, 2) require the contract to clearly state whether the policies and procedures for discipline to be used are the State's or those of the state in which the facility is located, and 3) require that all contracts awarded under the provisions of this section shall be placed on the department of public safety's website for public viewing. Additionally, the bill was amended to require that the out-of-state facility provide the office of the ombudsman access to conduct investigations.	JHW, WAM
SB 2949	RELATING TO PUBLIC SAFETY. Creates an office of the ombudsman for prisons and probation to be administratively attached to DPS to investigate prisoner complaints, deaths, and riots. <b>Chair's inclination: SD1</b> – Amend the bill in accordance with testimony from the Office of the Ombudsman to provide the Office of the Ombudsman authority to investigate acts of private, out-of-state, or federal correctional facilities or institutions that have contracts with the Department of Public Safety to house inmates committed to the custody of the Director of Public Safety.	JHW, WAM

**The following measures were previously heard on Thursday, February 9:**

Bill NO.	Description	Referral
SB 2142	<p>RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING.</p> <p>Enacts a comprehensive scheme of criminal and civil remedies and services to victims of human trafficking and programs to prevent, investigate, and prosecute offenses relating to human trafficking.</p> <p><b>Chair's inclination: Hold.</b> The Attorney General, Office of the Prosecuting Attorney, and other testifiers recommended the establishment of a task force that would focus on defining the offense of human trafficking and fitting it within the existing Penal Code structure, which can be accomplished by resolution. The Judiciary recommended that this measure be referred to the Evidence Committee for interim study and a report to the 2007 Legislature.</p>	JHW, WAM
SB 2561	<p>RELATING TO THE OFFICE OF INFORMATION PRACTICES.</p> <p>Appropriates funds to the office of information practices for FY2006-2007.</p> <p><b>Chair's inclination: Pass As Is.</b> The Committee report will reflect the dollar amount as an additional appropriation of \$95,000 to allow OIP to hire an additional staff attorney and an additional secretary/support staff member, and to provide further educational services.</p>	JHW, WAM
SB 2689	<p>RELATING TO PUBLIC SAFETY.</p> <p>Repeals the federal reimbursement maximization special fund.</p> <p><b>Chair's inclination: Hold.</b> Testimony from the Department of Public Safety indicated that as of December 31, 2005, the special fund was supporting seven Federal grants that provide residential substance abuse treatment, sex offender treatment, services for inmates on parole, and mental health treatment.</p>	JHW, WAM
SB 2698	<p>MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE GATE MONEY PROGRAM.</p> <p>Makes appropriation to the department of public safety to provide "gate money" to just released inmates for food, clothing, and bus passes.</p> <p><b>Chair's inclination: Pass As Is.</b></p>	JHW, WAM
SB 2723	<p>RELATING TO FORENSIC EXAMINERS.</p> <p>Increases the fee paid to an examiner performing a court-ordered mental health examination of a criminal defendant.</p> <p><b>Chair's inclination: SD1</b> – Technical, non-substantive amendments.</p>	JHW, WAM
SB 2730	<p>MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON THE STATUS OF WOMEN.</p> <p>Appropriates moneys for the Hawaii state commission on the status of women.</p> <p><b>Chair's inclination: Pass As Is.</b> The Committee report will reflect the dollar amount as \$50,000 as referenced in testimony provided by the Commission on the Status of Women.</p>	JHW, WAM

SB 2797	<p>PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO JUDGES.</p> <p>Proposes an amendment to the state constitution raising the mandatory retirement age for judges from 70 to 80.</p> <p><b>Chair's inclination: Pass As Is.</b></p>	JHW, WAM
SB 3040	<p>PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EXCESS REVENUES.</p> <p>Proposes an amendment to article VII, section 6, of the Constitution of the State of Hawaii, that would empower the legislature with the authority to select between: providing a tax credit or refund; and depositing the money into the emergency and budget reserve fund, when certain budget surplus criteria are met.</p> <p><b>Chair's inclination: Pass As Is.</b> The Committee report will reference that WAM has subject matter over this measure, which passed a legal review through this committee.</p>	JHW, WAM
SB 3217	<p>MAKING AN APPROPRIATION FOR THE SHERIFF DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.</p> <p>Makes appropriation to department of public safety for expenditures by the sheriff division for personnel, vehicles, and equipment.</p> <p><b>Chair's inclination: SD1</b> – Technical, non-substantive amendments.</p>	JHW, WAM
SB 3234	<p>RELATING TO FAMILY COURT.</p> <p>Establishes a fee schedule for court-appointed factfinders to assist family court judges in determining child custody and visitation arrangements.</p> <p><b>Chair's inclination: SD1</b> – Incorporate comments from the Judiciary that the term "custody evaluators" be substituted for "court-appointed factfinders."</p>	JHW, WAM
SB 3235	<p>RELATING TO FAMILY COURT.</p> <p>Expands the family court's mandatory "Kids First" program to include development of the required parenting program; appropriates unspecified amount of funds to expand outreach of the "Kids First" program.</p> <p><b>Chair's inclination: SD1</b> – Incorporate the concerns raised by the Judiciary and other testifiers deleting as a mandatory element, the development of a parenting plan and instead emphasizing the importance of development of a parenting plan. The Committee report will note that the Judiciary is working with the family law division of the Hawaii State Bar Association to include a parenting plan in the information provided to parties in family court.</p>	JHW, WAM
SB 3237	<p>MAKING AN APPROPRIATION FOR NA KEIKI LAW CENTER.</p> <p>Appropriates funds to Volunteer Legal Services of Hawaii Na Keiki Law Center to provide legal services and support to children and their families in need.</p> <p><b>Chair's inclination: SD1</b> – Amend the bill to designate the Judiciary as the expending agency. The Committee report will reflect the dollar amount as \$460,000 as referenced in testimony provided by Volunteer Legal Services Hawaii.</p>	JHW, WAM

SB 3267	<p>MAKING AN APPROPRIATION FOR THE DOMESTIC VIOLENCE CLEARINGHOUSE AND LEGAL HOTLINE.</p> <p>Establishes funding for two additional attorney positions and two additional paralegal positions with the Domestic Violence Clearinghouse and Legal Hotline. Makes an appropriation.</p> <p><b>Chair's inclination: SD1</b> – Amend the bill to designate the Judiciary as the expending agency and delete any reference specifying the purpose for the funds. The Committee report will reflect the dollar amount as \$1,013,609 as referenced in testimony provided by Domestic Violence Clearinghouse and Legal Hotline.</p>	JHW, WAM
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**The following measures were previously heard on Friday, February 10:**

Bill NO.	Description	Referral
SB 1294	<p>RELATING TO PUBLIC LAND TRUST REVENUES.</p> <p>Allocates a portion of public land trust revenues to the repair and maintenance of the Royal Mausoleum. Establishes that the allocation of public land trust revenues is not to be taken from existing pro rata share of revenues reserved for the benefit of native Hawaiians.</p> <p><b>Chair's Inclination: SD1</b> – Amend the bill to accurately reflect Mauna `Ala.</p>	JHW, WAM
SB 2424	<p>RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.</p> <p>Deletes the requirement for a comprehensive master plan in Chapter 10, HRS, and replaces it with the office of Hawaiian affairs strategic plan.</p> <p><b>Chair's Inclination: Defer to Friday, February 24, 2006 at 9:00 a.m. in CR 229</b> pursuant to an agreement with OHA.</p>	JHW
SB 2948	<p>RELATING TO THE PUBLIC LAND TRUST.</p> <p>Appropriates funds to satisfy the State's obligation to pay the office of Hawaiian affairs its pro rata share of revenues derived from the public land trust.</p> <p><b>Chair's Inclination: Pass As Is</b></p>	JHW, WAM
SB 2935	<p>AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AND MAKING AN APPROPRIATION.</p> <p>Authorizes the issuance of general obligation bonds to fund the building of a Hawaiian community center facility in Kapolei by the department of Hawaiian home lands.</p> <p><b>Chair's Inclination: Pass As Is</b></p>	JHW, WAM
SB 3119	<p>RELATING TO HAWAIIAN HOME LANDS.</p> <p>Allows the Hawaiian homes commission to deposit moneys in depositories other than the state treasury. Authorizes the Hawaiian homes commission to manage, invest, and reinvest moneys in the trust fund. Authorizes the commission to hold, purchase, sell, assign, transfer, or dispose of any securities and investments and any proceeds from investments in which trust fund moneys have been invested.</p> <p><b>Chair's Inclination: SD1</b> – Insert an exemption to Chapters 36 and 38, HRS.</p>	JHW, WAM

- SB 2951 RELATING TO THE HAWAIIAN HOMES COMMISSION. JHW, WAM  
Provides for election of members to the Hawaiian Homes Commission; specifies qualification for eligibility and to vote; specifies length of term of office; provides for filling vacancies with special election.  
**Chair's Inclination: Hold** due to concerns raised by the AG's office.
- SB 3160 RELATING TO HAWAIIAN LANGUAGE. JHW, WAM  
Requires that all new and replaced letterheads and documents of the State include both state languages, with the Hawaiian language placed above English translation.  
Establishes a Hawaiian language interim task force. Appropriates funds.  
**Chair's Inclination: SD1** – Incorporate the amendments proposed by the Office of the Attorney General to 1) postpone the effective date for sections 2 and 3 of the bill to July 1, 2007 or after the Hawaiian Language Interim Task Force makes its recommendation and the Legislature reviews the recommendation, 2) designate the Department of Accounting and General Services as the expending agency, and 3) require the Governor to make appointments to the Task Force.