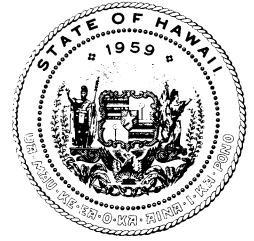


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MINORITY POLICY LEADER

The Senate
The Twenty-Second Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813



April 19, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs

FR: Senator Colleen Hanabusa, Chair
Senate Committee on Judiciary and Hawaiian Affairs

RE: Measures that passed the Legislature with JHW as lead Committee
and Senate Bills that I Plan to Agree to the House Amendments

The following bills passed the Legislature with JHW as lead
Committee:

HB 2303, HD1 RELATING TO CHILD SUPPORT ENFORCEMENT
Allows income withholding to continue when current
child support ends where there are outstanding
arrears for cases in which Child Support
Enforcement Agency (CSEA) services are being
provided. Authorizes CSEA to adopt administrative
rules as necessary to implement income withholding
requirements.

HB 2476 RELATING TO STATUTORY REVISION:
AMENDING, REENACTING, OR REPEALING
VARIOUS PROVISIONS OF THE HAWAII
REVISED STATUTES AND THE SESSION LAWS
OF HAWAII FOR THE PURPOSE OF
CORRECTING ERRORS AND REFERENCES,
CLARIFYING LANGUAGE, AND DELETING
OBSOLETE OR UNNECESSARY PROVISIONS
Amends, reenacts, or repeals various provisions of
the Hawaii Revised Statutes and the Session Laws
of Hawaii for the purpose of correcting errors and
references, clarifying language, and deleting
obsolete or unnecessary provisions.

HB 2900 RELATING TO ELECTRONIC VOTING
Clarifies that, when using electronic voting
machines, either a paper receipt or a voter verifiable

FIRST DISTRICT
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SECOND DISTRICT
RUSSELL S. KOKUBUN
THIRD DISTRICT
PAUL WHALEN
FOURTH DISTRICT
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ROSALYN H. BAKER
SIXTH DISTRICT
J. KALANI ENGLISH
SEVENTH DISTRICT
GARY L. HOOSER
EIGHTH DISTRICT
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NINTH DISTRICT
LES IHARA, JR.
TENTH DISTRICT
BRIAN T. TANIGUCHI
ELEVENTH DISTRICT
CAROL FUKUNAGA
TWELFTH DISTRICT
GORDON TRIMBLE
THIRTEENTH DISTRICT
SUZANNE CHUN OAKLAND
FOURTEENTH DISTRICT
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NORMAN SAKAMOTO
SIXTEENTH DISTRICT
DAVID Y. IGE
SEVENTEENTH DISTRICT
RON MENOR
EIGHTEENTH DISTRICT
CAL KAWAMOTO
NINETEENTH DISTRICT
BRIAN KANNO
TWENTIETH DISTRICT
WILLIE C. ESPERO
TWENTY-FIRST DISTRICT
COLLEEN HANABUSA
TWENTY-SECOND DISTRICT
ROBERT BUNDA
TWENTY-THIRD DISTRICT
MELODIE WILLIAMS ADUJA
TWENTY-FOURTH DISTRICT
BOB HOGUE
TWENTY-FIFTH DISTRICT
FRED HEMMINGS
CHIEF CLERK
PAUL T. KAWAGUCHI

paper audit trail that contains just a record of the voter's ballot selections may be used to verify a voter's vote. Allows the voter verifiable paper audit trail to be used to assess the accuracy of the voting machine's electronic record and to verify the election results.

HB 3250, HD1

RELATING TO SUPERSEDEAS BONDS

Limits the amount of any supersedeas bond, except bonds posted by tobacco master settlement agreement signatories and their successors and affiliates, that may be required to stay execution of a judgment on a civil case pending appeal. Permits court to set the bond up to the total amount of the judgment if appellant dissipates assets during pendency of appeal to avoid paying the judgment.

SB 2424

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

Deletes the requirement for a comprehensive master plan in Chapter 10, HRS, and replaces it with the office of Hawaiian affairs strategic plan.

SB 2489

RELATING TO FORFEITURE OF PROPERTY

Amends the penal code section on property forfeiture. Adds additional covered offenses that are subject to forfeiture.

SB 2581, SD1

RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS

Authorizes service of warrants by retired police and public safety officers to assist in reducing the backlog of unserved arrest warrants. Provides for a sunset date of July 1, 2011.

SB 2591

RELATING TO APPEALS

Eliminates the requirement for a motion for reconsideration from the appellate process for child protective cases.

- SB 2593 RELATING TO COURT FEES
Exempts court proceedings under the Child Protective Act from court fees.
- SB 2598 RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS
Extends sunset date for deposits of fees for electronic filing, signing, serving, certification, and verification of court documents into judiciary computer system special fund from 6/30/07 to 12/31/08.
- SB 2601 RELATING TO DOCUMENTS SEALED UPON FILING
Requires certain documents to be sealed upon filing in any action or proceeding in the circuit court having jurisdiction in matters relating to the affairs of decedents. Effective 01/01/07.
- SB 2602, SD1 RELATING TO ADULT PROBATION RECORDS
Adds persons and entities that are allowed access to adult probation records. Restricts victim's access to adult probation records to the name and contact information of the defendant's adult probation officer.
- SB 2604 RELATING TO INTERMEDIATE APPELLATE COURT PANELS
Removes chief judge's discretion in assignment of judges to intermediate appellate court's three-judge panels.
- SB 2608 RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS
Clarifies that provisions of Act 161, SLH 2004, relating to guardianship and protective proceedings, do not affect actions brought or rights accrued prior to January 1, 2005.

I plan to agree to the House amendments made to the following Senate bills:

SB 1317, SD1, HD1 RELATING TO COURT APPOINTED COUNSEL
Amends Act 86, Session Laws of Hawaii 2005, to remove language limiting compensation to court-appointed counsel for appeals to those made to the Intermediate Appellate Court. Effective date July 1, 2006.

The House amended this bill by inserting provisions that amend Act 86, Session Laws of Hawaii 2005 to remove language limiting compensation for appeals to those made to the Intermediate Appellate Court, which takes effect on July 1, 2006.

SB 2255, SD1, HD1 RELATING TO TIME LIMITATIONS
Adds crimes that include deception as an element to those crimes for which the date of discovery is used to calculate the time limitation within which the crime must be charged.

The House amended the bill by inserting a savings clause and making technical, nonsubstantive amendments for clarity and style.

SB 2597, HD1 RELATING TO APPELLATE JURISDICTION
Clarifies the intermediate appellate court's jurisdiction over appeals from any court or agency when appeals are allowed by law. Authorizes the ICA to issue any necessary or appropriate order or writ.

The House amended this bill by changing the effective date to the effective date of sections 1 through 82 of Act 202, Session Laws of Hawaii 2004.

SB 2599, HD1 RELATING TO APPEALS
Establishes intermediate court of appeals' jurisdiction in appellate cases related to geothermal resource subzone designations, income taxes, access to correctional facilities and records, and barbering and cosmetology disciplinary action. Clarifies the requirement for payment of appellate filing fees.

The House amended this bill by changing the effective date to the effective date of sections 1 through 82 of Act 202, Session Laws of Hawaii 2004.

SB 2603, SD1, HD1 RELATING TO MOTOR VEHICLE INSURANCE
Specifies that the violation of not having a valid motor vehicle insurance policy is not a "traffic infraction" as defined in chapter 291D in order to allow district court judges to consider a first offense for purposes of finding multiple convictions.

The House amended this bill by making technical, nonsubstantive amendments for style, clarity, and consistency

SB 2606, HD1 RELATING TO BAIL
Establishes that bail money that has not been declared forfeited and that remains unclaimed for at least two years after final disposition of the case for which the money was deposited shall be presumed abandoned under the Uniform Unclaimed Property Act.

The House amended this bill by: (1) Providing that bail money that has not been declared forfeited and that remains unclaimed for at least two years after final disposition of the case for which the money was deposited shall be presumed abandoned under the Uniform Unclaimed Property Act; and (2) Specifying that this bill applies to all bail money held at the time of its enactment, or at any time thereafter.

SB 2607, SD1, HD1 RELATING TO TRANSFER OF APPEALS
Authorizes the supreme court to entertain applications for mandatory and discretionary transfers of cases within the jurisdiction of the intermediate appellate court to the supreme court; specifies grounds for mandatory and discretionary transfers; allows later application for writ of certiorari, if discretionary application denied

The House amended this bill by: (1) Clarifying that a denial of an application of permissive transfers shall not prejudice a later application for a writ of certiorari; (2) Changing the effective date to the effective date of sections 1 through 82 of Act 202, Session Laws of Hawaii 2004; and

(3) Making technical, nonsubstantive amendments for consistency, clarity, and style.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or concerns.