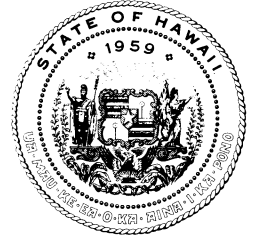


ROBERT BUNDA
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DONNA MERCADO KIM
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MINORITY FLOOR LEADER
PAUL WHALEN
MINORITY POLICY LEADER

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

STATE CAPITOL
HONOLULU, HAWAII 96813



April 27, 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: Senate Bills that passed out of JHW in which the Senate agreed to the amendments made by the House and Measures that passed out of JHW and moved out of conference with amendments

The following Senate bill passed out of JHW as lead Committee and the Senate voted to agree to the amendments made by the House:

SB 2259, SD1, HD1 RELATING TO INFORMATION CHARGING
Adds failure to comply with section 846E-9(b) covered offender registration requirements to those felonies that may be initiated by information charging.

The House amended this bill by: (1) Removing the class B felony of unlawful methamphetamine trafficking as an offense for which criminal charges may be initiated by written information; and (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

The following Senate bills passed out of JHW as second Committee and the Senate voted to agree to the amendments made by the House:

SB 744, SD2, HD1 RELATING TO BUSINESS REGISTRATION
Clarifies ambiguities and corrects errors in business registration laws.

The House amended this bill by: (1) Changing the effective date from July 1, 2005, to July 1, 2006; and (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

SB 785, SD2, HD2 RELATING TO PUBLIC MEETINGS
Allows public meetings by video teleconference to continue even if the video connectivity is interrupted or stopped.

FIRST DISTRICT
LORRAINE R. INOUE
SECOND DISTRICT
RUSSELL S. KOKUBUN
THIRD DISTRICT
PAUL WHALEN
FOURTH DISTRICT
SHAN S. TSUTSUI
FIFTH DISTRICT
ROSALYN H. BAKER
SIXTH DISTRICT
J. KALANI ENGLISH
SEVENTH DISTRICT
GARY L. HOOSER
EIGHTH DISTRICT
SAM SLOM
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
DONNA MERCADO KIM
FIFTEENTH DISTRICT
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

The House amended this bill by: (1) Restoring the requirement that a videoconference meeting shall be terminated if both the audio and video transmissions cannot be maintained and (2) Making technical, nonsubstantive amendments for clarity and consistency.

The following measures passed out of JHW as lead Committee and moved out of conference with amendments:

HB 2500, HD2, RELATING TO THE JUDICIARY
SD2, CD1 Provides the Judiciary with the supplemental appropriations and authorizations.

The Committee on Conference amended this bill by: (1) Providing \$1,215,046 in general funds for the Probation Modification Project; (2) Providing \$50,000 in general funds for electricity and janitorial services for the Hilo Judiciary complex; (3) Providing \$32,000 for Peoplesoft training for the Judiciary's technical staff; (4) Changing the funding method for Na Loio: Immigrant Civil Legal Services from a grant-in-aid to a purchase of service; (5) Adding \$325,000 in general funds for a purchase of service for Domestic Violence Services; (6) Adding \$200,000 for a grant-in-aid for the Children's Alliance of Hawaii; (7) Adding \$649,000 for a grant-in aid for the Legal Aid Society of Hawaii; (8) Adding \$25,000 for a grant-in-aid for the Hawaii Family Law Clinic; and (9) Adding \$200,000 for a grant-in-aid for the Hawaii Pro Bono Lawyer Referral Project. The Committee on Conference also amended the bill by increasing the sum appropriated for capital improvement projects from \$108,000,000 to \$109,500,000 by: (1) Providing \$101,000,000 for the Kapolei Judiciary Complex; (2) Retaining the appropriation of \$500,000 for Domestic Violence Clearinghouse and Legal Hotline with a change to the language; (3) Adding an appropriation of \$6,000,000 for the Hilo Judiciary Complex; (4) Retaining the appropriation of \$500,000 for Master Planning for Judiciary Facilities; (5) Providing \$1,000,000 for miscellaneous renovations, repairs, and improvements to Judiciary facilities statewide; and (6) Retaining the appropriation of \$500,000 to Child and Family Service.

HB 3256, HD1, RELATING TO THE PENAL CODE
SD1, CD1 Makes technical and substantive changes to Penal Code chapters 704, 706, 707, 708, 709, 710, 711, and 712.

The Committee on Conference amended this bill by: (1) Removing bribery in the second degree; (2) Restoring the prohibition of deferred acceptancy of guilty or nolo contendere pleas for individuals convicted of bribery; and (3) Stipulating that on June 30, 2007, section 23 and 24 of this Act shall be repealed and sections 706-661 and 706-662, Hawaii Revised Statutes, shall be reenacted in the form in which they read prior to this Act taking effect.

SB 696, SD1,
HD2, CD1

**RELATING TO CRIMINAL HISTORY RECORD
INFORMATION**

Provides a single fee for criminal history record checks by name, fingerprints, and other identifying information conducted by the Hawaii Criminal Justice Data Center and other state and county agencies. Updates the fee schedule for criminal history record check services to include criminal history record checks done via the Internet. Extends the fee exemption to include nonprofit charitable organizations for criminal history record checks conducted on adult volunteers having direct contact with the elderly and disabled.

The Committee on Conference amended this bill by changing the effective date to July 1, 2006.

SB 2244, SD1,
HD1, CD1

RELATING TO EXPUNGEMENTS

Allows for the expungement of violations upon written application to the attorney general; allows for the deletion of digitized records. Requires the deletion of digitized arrest records, rather than the return of hard copy materials, if applicable. Limits the return of fingerprints, photographs, etc., to those persons entitled to expungements who are not fugitives.

The Committee on Conference amended this bill to insert the contents of S.B. No. 588, S.D. 1, which allows for the expungement of violations upon written application to the Attorney General and for the deletion of digitized records. The Committee on Conference also amended this measure to make technical, nonsubstantive changes.

SB 2600, SD1,
HD2, CD1

**RELATING TO ELECTRONIC COURT RECORDS,
DOCUMENTS, PROCESSES, AND CERTIFICATES**

Allows court documents and records to be electronically signed and sealed. Allows both electronic seal and electronic signature to satisfy requirements that a court document, process, or certificate be signed, certified, acknowledged, verified, exemplified, attested, or made under oath or seal.

The Committee on Conference amended this bill by changing the effective date to upon approval.

SB 3119, SD2,
HD1, CD1

RELATING TO HAWAIIAN HOME LANDS

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.

The Committee on Conference amended this bill to insert language specifying that the moneys from the trust that are deposited into depositories other than the state treasury are exempt from the requirements of chapters 36 and 38. The Committee on Conference also amended this measure to make it effective upon approval.

SB 3180, SD1,
HD2, CD1

RELATING TO THE COUNTIES

Requires counties to adopt ordinances to allow buildings designed using practices, styles, customs, and materials from indigenous Hawaiian architecture.

The Committee on Conference amended this bill to specify that the application of indigenous Hawaiian architecture must be consistent with the intent and purpose of the uniquely designated, special, or historic district, such as in the case of the Lahaina Historical District on Maui and the Waikiki Special District on Oahu. The Committee on Conference also amended this measure to change the effective date to July 1, 2006.

The following measures passed out of JHW as second Committee and moved out of conference with amendments. Since JHW is the second Committee, the bills are listed below, but an explanation of the changes should be requested from the lead Committee.

HB 439, HD1, SD2, CD1	RELATING TO THE OFFICE OF THE OMBUDSMAN
HB 2367, HD1, SD1, CD1	RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES
SB 951, SD2, HD1, CD1	RELATING TO FIRE PROTECTION
SB 2159, SD2, HD1, CD1	RELATING TO IDENTITY THEFT
SB 2162, SD2, HD1, CD1	RELATING TO FOSTER CHILDREN
SB 2929, HD1, CD1	RELATING TO THE LAND USE COMMISSION
SB 2430, SD2, HD1, CD1	RELATING TO ELECTION
SB 3273, SD2, HD2, CD1	RELATING TO SUBSTANCE ABUSE

Finally, HB 588, HD1, SD1 was deferred since the language in the bill was incorporated into SB 2244, SD1, HD1, CD1 as explained in the third page of this memorandum.

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