

Honolulu, Hawaii

FEB 13 2007

RE: S.B. No. 959
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 959 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose of this measure is to provide that bench warrants, with the exception of grand jury bench warrants in class A and B felony cases, shall expire five years after issuance and for extension of the expiration period upon a showing of good cause.

There exist a backlog of approximately 74,000 bench warrants that have not been served. Of the total amount, approximately 51,000 warrants are traffic warrants and approximately 20,000 are misdemeanor warrants. This amounts to 71,000 or 96% of the unserved warrants.

The 2006 Legislature mandated the creation of a task force of the responsible agencies involved with the warrants. Beside a request for more money to hire more personnel, the task force identified that the agencies needed to refocus its priorities to serving the warrants if it expects to diminish the backlog. The task force also identified that there is a need to develop a centralized database system that will be more efficient and useful for the affected agencies. Most of the problems identified can be corrected administratively by the agencies. Your Committee is hopeful that this bill will prompt the agencies to respond more quickly to the backlog if it is a priority. If not, then this



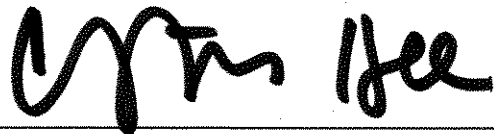
bill will eliminate the warrants that are not a priority for the agencies.

Your Committee received testimonies in support from the Hawaii Paroling Authority and from the Public Defender's Office. Your Committee heard testimonies from the prosecuting attorneys offices in Honolulu and Maui and from the Attorney General's Office in opposition to the bill. The Judiciary took no position on the bill.

Your Committee amended the bill to resolve the concerns articulated by the Honolulu Prosecutor's Office, the Hawaii Paroling Authority, and the Attorney General's Office. Your Committee provided for the exemption of all felony cases, domestic violence cases, and parole warrants from the expiration mandate. Your Committee further amended the bill to refer to warrants generally so that there is no semantic dispute with bench warrants, arrest warrants, and retake warrants.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 959, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 959, 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
Labor,

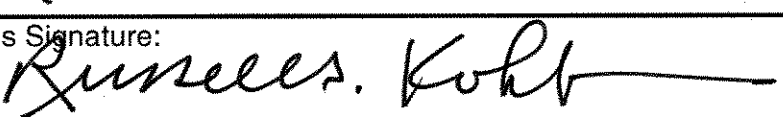


CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Judiciary and Labor
 JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 959	JDL	2/8/07
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended <small>2312</small>		
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>		
<input type="checkbox"/> Hold <small>2310</small>		
<input type="checkbox"/> Recommit <small>2313</small>		
Members	Aye	Aye (WR)
Nay	Excused	
HEE, Clayton (C)	/	
KOKUBUN, Russell S. (VC)	/	
INOUYE, Lorraine R.	/	
NISHIHARA, Clarence K.	/	
GABBARD, Mike	/	
TOTAL	5	
Recommendation:		
<input checked="" type="checkbox"/> Adopted		
<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original	Yellow	Pink
File with Committee Report	Clerk's Office	Drafting Agency

*Only one measure per Record of Votes