

STAND. COM. REP. NO.

961

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 1152

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1152 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of the bill is to expand the scope of the repeat offender statute to include certain felonies that were recently enacted or amended.

The Department of the Attorney General and the Department of the Prosecuting Attorney for the City and County of Honolulu testified in support of this bill. The American Civil Liberties Union and a concerned individual opposed this measure.

Prior to the hearing for this bill, your Committee considered a proposed House Draft relating to amendments to extended sentencing provisions. Your Committee received testimony in support of the proposed measure from the Department of the Attorney General and the Department of the Prosecuting Attorney for the City and County of Honolulu. The Office of the Public Defender and the American Civil Liberties Union opposed that part of the measure requiring an extended term of imprisonment for defendants that meet the criteria for such sentencing. Community Alliance on Prisons submitted comments.

HB1152 HD1 HSCR JUD HMS 2007-2879



Your Committee has amended this bill by:

- (1) Deleting the contents and inserting provisions requiring a jury to find beyond a reasonable doubt that a defendant meets the criteria for an extended term of imprisonment; and
- (2) Inserting an effective date of January 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1152, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1152, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


TOMMY WATERS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 961

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: <div style="text-align: right; margin-right: 50px;">HB 1 1 52</div>		Date: <div style="text-align: right; font-size: 1.5em; font-weight: bold;">3/1/07</div>		
Committee Referral: <div style="text-align: right; margin-right: 50px;">JUD</div>		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration </div> </div>				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	✓			
2. OSHIRO, Blake K. (VC)	✓			
3. CALDWELL, Kirk	✓			
4. EVANS, Cindy	✓			
5. GREEN, Josh, M.D.				✓
6. ITO, Ken				✓
7. LUKE, Sylvia				✓
8. McKELVEY, Angus L.K.	✓			
9. MORITA, Hermina M.				✓
10. SONSON, Alex M.			✓	
11. SOUKI, Joseph M.			✓	
12. TSUJI, Clift	✓			
13. YAMANE, Ryan I.		✓		
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.	✓			
16. PINE, Kymberly Marcos	✓			
17. THIELEN, Cynthia				✓
TOTAL	9	1	2	5 5
The recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> <div style="width: 45%;"> If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> </div> </div>				
Vice Chair's or designee's signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				