

STAND. COM. REP. NO. 1586 -08

Honolulu, Hawaii

A-201, 2008

RE: S.B. No. 2436
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2436, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to strengthen the laws against cyberbullying by including, under the offense of harassment, certain communications, including emails, that cause another person distress or disrupt the orderly conduct of any institution. This bill also makes the offense of harassment a misdemeanor, instead of a petty misdemeanor.

The Honolulu Police Department supported this bill. The Office of the Public Defender and American Civil Liberties Union of Hawaii opposed this measure. The Attorney General submitted comments.

Upon further consideration, your Committee has amended this measure by deleting its contents and inserting new provisions that, among other things:

- (1) Provide that the requirement to provide proof of financial responsibility shall not be based upon a sentence imposed for a first offense of excessive speeding;

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- (2) Clarify the process by which a court advises a defendant, pleading guilty or no contest, of the immigration status consequences of the plea;
- (3) Add various offenses to the class of offenses that may be charged by written information instead of indictment or complaint;
- (4) Clarify the process by which certain offenders must submit fingerprint impressions and buccal swab samples for the purpose of forensic identification; and
- (5) Make it a Class C felony for a person to knowingly or negligently refuse or fail to provide any required blood specimens, fingerprints, or buccal swab samples for forensic identification purposes after written notice is provided to the person.

In addition, to encourage further discussion, this bill, as amended, contains an effective date of July 1, 2112, except for the provisions that add various offenses to the class of offenses that may be charged by written information, which take effect on July 1, 2111.

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 S.B. No. 2436, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2436, S.D. 1, 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



