

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 1961
S.D. 1
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1961, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish a new part under chapter 804, Hawaii Revised Statutes, to provide comprehensive oversight and regulation of bail bond agents.

Specifically, the measure adds several definitions; establishes qualifications for licensing of bail bond agents; specifies grounds for the denial, suspension, or revocation of a bail bond agent's license; and establishes procedures for the exoneration of bail bond agents and sureties from bond liabilities and enforcement procedures for compensated sureties.



Your Committee on Conference wants to make it clear that an individual who serves as a bail bond agent cannot also legally represent the bailee. This is intended to address known practices where individuals are bailed by an attorney, and if they then refuse to be represented by that attorney, their bail is then revoked.

Upon further consideration, your Committee has amended the measure by:

- (1) Deleting the new part established under chapter 804, Hawaii Revised Statutes and, instead, adding a new article in chapter 431, Hawaii Revised Statutes, to:
 - (A) Define the terms "bail agent" and "on the board";
 - (B) Establish grounds for the denial, nonrenewal, suspension, or revocation of a bail bond agent's insurance producer's license;
 - (C) Establish fiduciary responsibilities for bail bond agents; and
 - (D) Prohibit an attorney who is a bail bond agent from representing a person to whom the attorney has furnished bail for compensation in any proceeding related to the furnishing of bail; and
- (2) Changing the effective date to January 1, 2008.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1961, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1961, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


TOMMY WATERS Co-Chair


BRIAN T. TANIGUCHI, Chair



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ROBERT N. HERKES, Co-Chair



