

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 2081
S.D. 1

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

Madam:

Your Committee on Public Safety, to which was referred S.B. No. 2081 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to establish certain procedures that require the Governor to follow before granting a pardon for a crime.

Specifically, the measure requires:

- (1) The governor to refer all pardon applications to:
 - (A) The Hawaii Paroling Authority if the pardon applicant has been incarcerated for the crime for which the pardon is being sought; or
 - (B) The Judiciary if the pardon applicant was placed on probation for the crime for which the pardon is being sought;
- (2) The Paroling Authority and the Judiciary, as the case may be, to furnish all information on the pardon applicant and make a recommendation to the Governor as to granting or refusing the pardon;



- (3) That the Governor receive the information from the Paroling Authority or the Judiciary prior to granting any pardon; and
- (4) That the Governor give thirty days public notice of the pardon and the reasons therefor prior to granting the pardon.


Testimony in support of this measure was submitted by five individual citizens. Testimony in opposition of this measure was submitted by the Office of the Governor, the Department of Public Safety, the Hawaii Paroling Authority, and the Attorney General.

Your Committee finds that requiring the Governor to give a minimum of thirty days public notice prior to issuing any pardon is good public policy. A thirty day notice affords the public the opportunity to share their concerns regarding the safety of the public, as it may pertain to the person being pardoned.

Accordingly, your Committee has amended this measure by removing the repealed language in section 2.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2081, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2081, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Public Safety
PBS

Bill / Resolution No.:* SB 2081	Committee Referral: PBS, JDL	Date: 2/5/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman				✓
WHALEN, Paul	✓			
TOTAL	3			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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*Only one measure per Record of Votes