

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2085
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. 2085 entitled:

"A BILL FOR AN ACT RELATING TO SERIOUS OFFENSES COMMITTED BY MINORS,"

begs leave to report as follows:

The purpose of this measure is to require minors convicted of murder in the first or second degrees, or sexual assault in the first degree, to be transferred into the custody of the Director of Public Safety upon reaching the age of eighteen.

Testimony in support of this measure was submitted by the Department of Public Safety and two individual citizens. Testimony in strong opposition to this measure was submitted by two individual citizens.

Testimony from the Department of Public Safety indicated that for these transferring offenders, the Hawaii Paroling Authority would be unable to set minimum sentences and hold parole hearings under sections 706-669 and 706-670, Hawaii Revised Statutes, unless the offender was under the jurisdiction of Circuit Court.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that a minor convicted of any of the foregoing crimes shall be transferred, upon attaining the age of eighteen, not only to the custody of the Department of Public Safety, but to the jurisdiction of



the Circuit Court, whereupon minimum-term-of-imprisonment and parole statutes applicable to adults shall apply;

- (2) Clarifying that the Family Court otherwise shall retain jurisdiction over the offender so transferred, under section 571-13, Hawaii Revised Statutes; and
- (3) Deleting language that infers that an offender so transferred shall be imprisoned in the adult correctional facility and shall remain under the jurisdiction of the Family Court until age twenty-six.

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. 2085, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2085, 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 2085 | Committee Referral: PBS, JDL | Date: 2/12/08 |
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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 | ✓ | | | |
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| TOTAL | 3 | - | - | 1 |

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
N. Sakamoto

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*Only one measure per Record of Votes