

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 3108

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. 3108 entitled:

"A BILL FOR AN ACT RELATING TO PRISON LITIGATION,"

begs leave to report as follows:

The purpose of this measure is to require inmates to pay the filing fees for a civil lawsuit in state court and if the inmate files four or more lawsuits that are deemed to be "frivolous," the inmate must pay the filing fees in advance of filing another lawsuit.

Testimony in support of this measure was submitted by the Department of Public Safety. Written testimony in opposition of this measure was submitted by the Community Alliance on Prisons. Oral testimony in opposition of this measure was stated by one individual.

Your Committee finds that requiring inmates to pay court filing fees for the lawsuits they file will help to deter the filing of frivolous lawsuits and also be a justification for receiving payments from inmates who are financially able to pay for their own filing fees.

Your Committee has amended this measure by:

- (1) Allowing an additional lawsuit that is deemed frivolous to be filed before the inmate is required to pay filing fees in advance of filing their civil lawsuit;



- (2) Changing its effective date to July 1, 2030 for purposes of facilitating further discussion; and
- (3) Making technical nonsubstantive amendments for the purpose of clarity.

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. 3108, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3108, 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.:* | Committee Referral: | Date: | | |
|---|---|---------------------------------------|----------------------------------|---------|
| SB 3108 | PBS, JDL | 1/31/08 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| ESPERO, Will (C) | ✓ | | | |
| NISHIHARA, Clarence K. (VC) | ✓ | | | |
| SAKAMOTO, Norman | ✓ | | | |
| WHALEN, Paul | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 4 | | | |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Clarence K. Nishihara</i> | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one measure per Record of Votes