

STAND. COM. REP. NO.

949

Honolulu, Hawaii

MAR 2 2007

RE: S.B. No. 959
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Public Safety and Ways and Means, to which was referred S.B. No. 959, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

beg leave to report as follows:

The purpose of this measure is to address the warrant backlog problem in the State of Hawaii.

Testimony in support of the intent of this measure was submitted by the Department of Public Safety and the Office of the Public Defender. The Department of the Attorney General and the Department of the Prosecuting Attorney submitted testimony in support of section 2 (making an appropriation for additional sheriffs dedicated exclusively to the service and execution of warrants), and offered comments.

Your Committees find that the backlog in the service and execution of warrants is unacceptable. Your Committees further find that the joint task force requested and mandated to address the warrant backlog by the 2006 Legislature in Senate Concurrent Resolution No. 91, S.D. 1, and Act 308, Session Laws of Hawaii, respectively, has come up with several suggestions but has not supplied sufficient information regarding the needed resources and steps needed to put the task force suggestions into practice. Your Committees direct the joint task force to meet again in order to complete their recommendations and provide them to the Legislature in writing, including a timeline and budget



suggestions, so that the Legislature can make better decisions about how to deal with the warrant backlog.

Your Committees note the validity of the concerns presented by the Department of the Prosecuting Attorney, in that placing the expiration dates in the Hawaii Revised Statutes may make offenders feel that complying with warrants are not necessary because, as long as there is a backlog, it is unlikely that the warrant would be executed before the expiration date. Your Committees further note that the Department of the Prosecuting Attorney is already in the habit of waiving the service and execution of warrants for minor offenses and believes this is best left to be a discretionary waiver rather than a statutory mandate.

Your Committees find that the Judiciary and the Department of Public Safety should work together to establish an automated centralized warrant management system that can be accessed by all law enforcement personnel. Your Committees further find that the Judiciary Information Management (JIMS) CourtConnect System under the Judiciary could be the proper system for the automated centralized warrant management system. However, some departments testified that the system has had technical and resource limitations. It is the intent of your Committees that the Judiciary and the Department of Public Safety consider the use of JIMS, with technical improvements and sufficient resources as a mechanism for the centralized warrant system.

Your Committees amended this measure to:

- (1) Exclude the codification of expiration dates for warrants in the Hawaii Revised Statutes;
- (2) To task the Judiciary and the Department of Public Safety with establishing an automated and centralized warrant management system that can be accessed by all law enforcement personnel;
- (3) To provide an appropriation in each year of the 2007-2009 fiscal biennium for the automated centralized warrant management system;
- (4) To provide an appropriation in each year of the 2007-2009 fiscal biennium to fund additional sheriff positions, including salaries and the purchase of

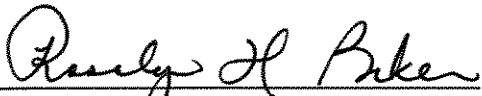


necessary vehicles, dedicated to the exclusive purpose of the service and execution of warrants; and

- (5) To extend the effective date to provide for further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 959, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 959, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Ways and Means,



ROSALYN H. BAKER, Chair



WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii


Record of Votes
 Committee on Public Safety
 PBS

Bill / Resolution No.:* SB 959 SDI	Committee Referral: PBS/WAM	Date: 3-1-07		
<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	3			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

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<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
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)		/		
CHUN OAKLAND, Suzanne				/
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HOOSER, Gary L.				/
KIM, Donna Mercado	/			
MENOR, Ron	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
WHALEN, Paul				/
TOTAL	6	1	0	4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

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