

Honolulu, Hawaii

FEB 12, 2010

RE: H.B. No. 1983

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 1983 entitled:

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

begs leave to report as follows:

The purpose of this bill is to provide a method to reduce prison overcrowding and relieve pressure on correctional budgets by authorizing the Director of Public Safety (Director) to release a committed person sentenced for a misdemeanor offense so long as the committed person has served at least two-thirds of the maximum sentence imposed by the court.

The Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, The Hepatitis Network of Hawaii Prisoner Reintegration Program, and a concerned individual supported this bill. The City and County of Honolulu Department of the Prosecuting Attorney (C&C Prosecuting Attorney) opposed this measure. The Department of Public Safety submitted comments.

Your Committee recognizes the concerns of the C&C Prosecuting Attorney regarding:

- (1) The need for a release program to consider criteria of the underlying crime's seriousness or its effect on victims to fully take into account the societal impact of the crime;



- (2) Possible conflicts with current laws requiring mandatory minimum sentencing for certain misdemeanors;
- (3) Uncertainty of whether or not determinations by the Director would need to go through a hearing process and, if so, if an appeals process would be in order; and
- (4) The potential difficulty the Director may have in applying the standard for early-release under this measure.

Accordingly, your Committee respectfully requests that the Committee on Judiciary look further into the concerns raised by the C&C Prosecuting Attorney.

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 H.B. No. 1983 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



FAYE HANOANO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSR 352-10

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: HB 1983	Committee Referral: PBS, JUD	Date: <i>02-11-10</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. AQUINO, Henry J.C. (VC)	✓			
3. AWANA, Karen Leinani				✓
4. KEITH-AGARAN, Gilbert S.C.			✓	
5. LEE, Marilyn B.	✓			
6. NAKASHIMA, Mark M.		✓		
7. RHOADS, Karl		✓		
8. SAIKI, Scott K.		✓		
9. SOUKI, Joseph M.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	<i>6</i>	<i>3</i>	<i>1</i>	<i>2</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ <div style="text-align: center;"><i>[Signature]</i></div>				
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