

STAND. COM. REP. NO.

2147

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2534
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 2534 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require a law enforcement agency having custody of an accused person to accept cash bail and bail bonds when the court with jurisdiction is closed, including nights, weekends, and holidays; and
- (2) Define "law enforcement agency", for the foregoing purposes, to include the county police departments, the Department of the Attorney General, and the Department of Public Safety.

Your Committee received testimony in support of this measure from one government entity and four bond agents. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the payment of cash bail or bail bonds is presently accepted only by the courts during business hours Monday to Friday excluding weekends and holidays. Your Committee has been informed that the practice many years ago was for any corrections facility or police facility holding the accused to accept and promptly release the accused at any time any



day of the week. The practical effect of current practice is that an accused who can afford to pay the bail or bond may be held in custody for a minor offense from Friday afternoon to the following Monday morning, or Tuesday morning in case of a Monday holiday. Your Committee is concerned that a constitutional issue may be raised in holding an accused for an unnecessary length of time notwithstanding the ability to pose bail or bond.

Your Committee further finds that the costs per day of incarcerating a person can be minimized by avoiding unnecessary delays in the prompt release of a person who is legally entitled to be released.

Your Committee has amended this measure to establish a bail bond filing fee to defray the expenses of processing the posting of the bail bond.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2534, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2534, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,

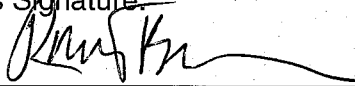


WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 2534	Committee Referral: PSM, JGO	Date: 2/4/10		
<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)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani	X			
GABBARD, Mike				X
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.	X			
HEMMINGS, Fred				X
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes