

STAND. COM. REP. NO. 1251

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 843
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 843, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this bill is to assist the court in rendering appropriate sentences by restoring a statutory provision that allows the court, in its discretion, to order a defendant who has been convicted of a felony or a misdemeanor to submit to mental or other medical observation and examination prior to being sentenced.

The Judiciary, Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, and Hawaii County Office of the Prosecuting Attorney supported this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- (1) Adding a savings clause;
- (2) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

SB843 HD1 HSCR JUD HMS 2009-3371



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 843, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 843, S.D. 1, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



