

STAND. COM. REP. NO.

1170

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1070
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1070, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE
TIMEFRAMES,"

begs leave to report as follows:

The purpose and intent of this measure is to promote the efficient use of criminal justice resources by establishing a maximum one-year period of post-acquittal conditional release for persons charged with a petty misdemeanor, misdemeanor, or violation.

Your Committee received comments in support of this measure from Loretta J. Fuddy, Director, Department of Health; and Louis Erteschik, Staff Attorney, Hawaii Disability Rights Center.

Your Committee received comments in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that persons acquitted of criminal charges by reason of physical or mental disease, disorder, or defect may be subsequently released to the community on a post-acquittal conditional release after a court determines that the person can be adequately controlled and given proper care, supervision, and treatment.

HB1070 SD2 SSCR LRB 11-3036.doc



However, there are many instances of individuals who remain on conditional release far in excess of the maximum penalty allowed for the offense charged. According to the Department of Health, ninety per cent of persons on conditional release in Hawaii for a misdemeanor or petty misdemeanor are kept on conditional release longer than they would have spent on maximum jail time or on probation for the same offense, sometimes up to twenty times longer. This results in an increased burden on both staff and financial resources at district courts, probation offices, mental health centers, and hospitals. This measure establishes a specific time limit on the conditional release of individuals charged with lesser offenses, to increase the availability of resources for more serious offenders.

Your Committee has amended this measure by changing the effective date to July 1, 2117, to encourage further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1070, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1070, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1070, HD2, SD1	JDL, WAM	4-1-11		
<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
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.				/
ENGLISH, J. Kalani				/
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	12	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes