

STAND. COM. REP. NO.

625

Honolulu, Hawaii

March 3, 2011

RE: H.B. No. 141
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 141 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose of this bill is to retroactively require that multiple terms of imprisonment be served concurrently unless otherwise specified by law or court order.

The Office of the Public Defender, the Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, National Association of Reformed Criminals, and several concerned citizens testified in support of this measure. The Office of Hawaiian Affairs supported this bill with amendments. A concerned individual supported the intent of this measure. The Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney opposed this measure.

Your Committee has amended this bill by:

- (1) Adding language to shield the State from any liability for sentencing errors;
- (2) Changing its effective date to January 7, 2059, to promote further discussion; and

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- (3) Making nonsubstantive, technical amendments for clarity, consistency, and style.

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 H.B. No. 141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 141, H.D. 1, and be placed on the calendar for Third Reading.

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



GILBERT KEITH-AGARAN, Chair



