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Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 986
S.D. 2
H.D. 3
C.D. 1

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

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 986, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish a seven-member task force to formulate policies and procedures to eliminate the disproportionate representation of native Hawaiians in Hawaii's criminal justice system by looking for new strategies to reduce or avoid unnecessary involvement of these individuals with the criminal justice system;
- (2) Require the task force to submit a final report to the Legislature prior to the Regular Session of 2013; and



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- (3) Repeal the task force on August 1, 2013.

Your Committee on Conference finds that, while there are differences in approach between the Senate and House drafts of this measure, there is broad agreement regarding the importance of addressing the findings in the Office of Hawaiian Affairs 2010 study on "The Disparate Treatment of Native Hawaiians in the Criminal Justice System."

In reaching consensus, your Committee on Conference has amended this measure by:

- (1) Increasing the membership of the task force from seven to nine members to add two members: a representative from the Office of the Public Defender, and a member of the public selected by the Governor from a list of no more than four names, two submitted by the Senate President and two submitted by the Speaker of the House of Representatives;
- (2) Clarifying the requirements for submission of lists for the criminologist member;
- (3) Changing the effective date from July 1, 2030, to upon approval; and
- (4) Making technical, nonsubstantive amendments, including the capitalization of the term "Native Hawaiians" to reflect the language in the Office of Hawaiian Affairs study, for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 986, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 986, S.D. 2, H.D. 3, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


FAYE MANOHANO, Co-Chair


BRICKWOOD GALUTERIA, Chair


HENRY J.C. AQUINO, Co-Chair


MICHELLE KIDANI, Co-Chair


KARL RHOADS, Co-Chair


MAILE SHIMABUKURO, Co-Chair


CHRIS LEE, Co-Chair



