

JAN 25 2012

A BILL FOR AN ACT

RELATING TO PRE-SENTENCE REPORTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 706-602, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§706-602 Pre-sentence diagnosis, notice to victims, and**
4 **report.** (1) The pre-sentence diagnosis and report shall be
5 made by personnel assigned to the court [~~, intake service center~~]
6 or other agency designated by the court and shall include:

7 (a) An analysis of the circumstances attending the
8 commission of the crime;

9 (b) The defendant's history of delinquency or criminality,
10 physical and mental condition, family situation and
11 background, economic status and capacity to make
12 restitution or to make reparation to the victim or
13 victims of the defendant's crimes for loss or damage
14 caused thereby, education, occupation, and personal
15 habits;

16 (c) Information made available by the victim or other
17 source concerning the effect that the crime committed
18 by the defendant has had upon said victim, including

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1 but not limited to, any physical or psychological harm
2 or financial loss suffered;

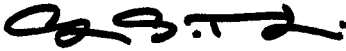
3 (d) Information concerning defendant's compliance or non-
4 compliance with any order issued under section 806-11;
5 and

6 (e) Any other matters that the reporting person or agency
7 deems relevant or the court directs to be included.

8 (2) The court personnel [~~service center~~] or agency shall
9 give notice of the crime victim compensation act, the
10 application for compensation procedure, and the possibility of
11 restitution by the defendant to all victims of the convicted
12 defendant's criminal acts."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken.

15 SECTION 3. This Act shall take effect on July 1, 2012.

16
17 INTRODUCED BY: 

18 BY REQUEST

19

S.B. NO. 2860

Report Title:

Department of Public Safety; Judiciary; Pre-Sentence Reports

Description:

Amends the law to delete the Intake Service Center as an agency responsible for preparing the pre-sentence diagnosis and report.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PRE-SENTENCE REPORTS.

PURPOSE: This bill deletes the Intake Service Center (ISC) as one of the agencies responsible for preparing the pre-sentence diagnosis and report for convicted defendants.

MEANS: Amend section 706-602, Hawaii Revised Statutes.

JUSTIFICATION: Act 179, Session Laws of Hawaii 1973, amended this section as a result of the Hawaii Correctional Master Plan. Under the Correctional Master Plan, ISC was to assist with the pre-sentence investigation process; however, this is a responsibility that the Judiciary has fulfilled and has staff specifically trained for this task. It has been over 30 years since ISC has completed a pre-sentence investigation and report.

Impact on the public: This initiative will update the Hawaii Revised Statutes to be in line with current practices.

Impact on the Department and other agencies: The Judiciary will continue to be responsible for the preparation of the pre-sentence reports.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 410.

OTHER AFFECTED AGENCIES: Judiciary.

EFFECTIVE DATE: July 1, 2012.