

Honolulu, Hawaii

April 26 , 2012

RE: H.B. No. 1791  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1791, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOMICIDE,"

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 exempt a person convicted of manslaughter from a mandatory indeterminate term of 20 years imprisonment without the possibility of suspension of sentence or probation, but allows that person to be sentenced to an indeterminate maximum and minimum term of imprisonment to be determined by the court and paroling authority respectively.

According to law enforcement officials, current law is not clear about whether a sentence of probation is possible for a manslaughter conviction and if probation is imposed, the amount of jail time a court may impose as a condition of probation. This lack of clarity has led to courts and prosecutors throughout the State



interpreting the law differently. This measure attempts to clarify this confusion.

Your Committee on Conference notes that traffic related fatalities are a serious issue and that persons convicted of certain offenses involving traffic fatalities should be dealt with accordingly. Presently, when a driver is convicted of manslaughter resulting from the operation of a motor vehicle, a court is required to revoke the driver's license to operate a motor vehicle. However, the length of time of the revocation remains unclear. Furthermore, there is no such license revocation provision for drivers convicted of negligent homicide in the first or second degree. Allowing the courts the discretion to impose license revocation periods as well as terms of imprisonment for certain violations up to a maximum period would help to ensure the safety of Hawaii's roadways.

Your Committee on Conference has amended this measure by:

- (1) Requiring the revocation of a license for a driver convicted of negligent homicide in the first or second degrees resulting from the operation of a motor vehicle;
- (2) Providing the court with discretion to determine the period of license revocation;
- (3) Specifying that a person whose license was revoked may not apply for, and the examiner of drivers may not grant, a new driver's license until the expiration of the period of revocation as determined by the court;
- (4) Providing the courts with discretion when determining terms of imprisonment for various offenses and stipulating maximum terms of imprisonment for these offenses;
- (5) Changing its effective date to upon approval; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 1791, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1791, S.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

  
\_\_\_\_\_  
J. KALANI ENGLISH, Chair

  
\_\_\_\_\_  
CLAYTON HEE, Co-Chair

  
\_\_\_\_\_  
JOSEPH M. SOUKI, Co-Chair

  
\_\_\_\_\_  
GILBERT KEITH-AGARAN, Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>HB 1791, SD 1</b>	Date/Time: <i>26 April 2012 4:49 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ENGLISH, J. Kalani, Chr.	✓				SOUKI, Joseph M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
SLOM, Sam				✓	HAR, Sharon E.	✓			
					FONTAINE, George R.	✓			
<b>TOTAL</b>	<b>2</b>			<b>1</b>	<b>TOTAL</b>	<b>4</b>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>[Signature]</i>	House Lead Chair's or Designee's Signature: <i>[Signature]</i>
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