

Honolulu, Hawaii

Feb 17 , 2012

RE: H.B. No. 1797
H.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1797 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require tolling of the one-year conditional release period that may be granted to a defendant who is acquitted on the grounds of physical or mental disease, disorder, or defect excluding responsibility upon the filing of a motion for revocation of the conditional release or modification of the conditions.

The Judiciary and City and County of Honolulu Department of the Prosecuting Attorney supported this bill. The Department of Health opposed this measure. The Office of the Public Defender provided comments.

Your Committee has amended this bill by:

- (1) Limiting the tolling period to ninety days;
- (2) Commencing the ninety-day tolling period from the date of service of the motion, rather than the filing date of the motion through and including the filing of the written order;



- (3) Requiring rather than authorizing that the period of tolling be granted to the defendant for purposes of the computation of any remaining conditional release period if the court refuses to revoke or modify the conditional release;
- (4) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive 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. 1797, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1797, H.D. 1, and be referred to the Committee on Finance.

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



GILBERT KEITH-AGARAN, Chair



