

STAND. COM. REP. NO.

2973

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2515
H.D. 3
S.D. 1

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

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred H.B. No. 2515, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

beg leave to report as follows:

The purpose and intent of this measure is to permit certain second-time drug offenders a sentence of probation but not a one-time expungement of the record of conviction, permit a three-year probation term for individuals convicted of certain class B and C felonies, require a defendant's probation officer to report concerning compliance or non-compliance with probation conditions, and increase the minimum threshold property and services valuation for theft in the second degree to \$750.

Your Committees received testimony in support of this measure from the Governor, Department of Public Safety, Judiciary, Office of the Public Defender, Crime Victim Compensation Commission, Office of Hawaiian Affairs, Kauai Prosecuting Attorney, Community Alliance on Prisons, Hawaii Substance Abuse Coalition, American Civil Liberties Union of Hawaii, National Alliance of Reformed Criminals, ABC Stores, Duty Free Shoppers Hawaii, Chaminade University, Justice Center of the Council of State Governments, and three individuals. Testimony in opposition to this measure was received from the Honolulu Police Department, Hawaii County Prosecuting Attorney, Maui Prosecuting Attorney, Retail Merchants of Hawaii, and four individuals. Comments were received from the



City and County of Honolulu Prosecuting Attorney, Hawaii Food Industry Association, and Times Supermarket.

Your Committees find that this measure is an outgrowth of the Justice Reinvestment Working Group and the Council of State Governments Justice Center to study, analyze, and make recommendations for improvements in the criminal justice system and corrections system in all fifty states. The analysis revealed that crime and victimization rates in Hawaii have declined, as have arrests and felony convictions for violent and property crimes. However, the population under probation supervision and incarceration has not declined, and in some cases has increased.

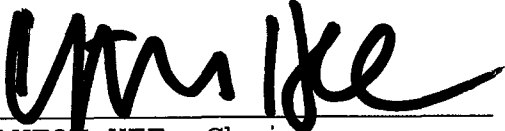
Your Committees have amended this measure by:

- (1) Deleting the amended minimum threshold amount for theft in the second degree;
- (2) Increasing from three to four years the period of probation for conviction of certain class B or C felonies;
- (3) Amending the purpose section to reflect the amended purpose of the measure; and
- (4) Changing the effective date to upon approval.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2515, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2515, H.D. 3, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Government Operations, and
Military Affairs and Judiciary
and Labor,



CLAYTON HEE, Chair

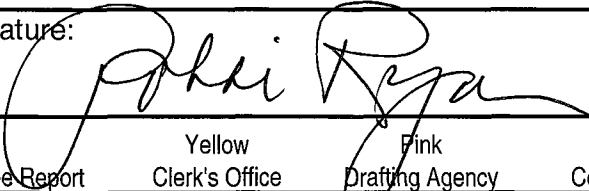


WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i


Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* HB 2515, HD3	Committee Referral: PGM/JDL, WAM	Date: 3/21/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.				✓
RYAN, Pohai		✓		
SLOM, Sam	✓			
TOTAL	3	1		1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2515, HD3	PGM/JDL, WAM	3/21/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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