

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2602

H.D. 2

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

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2602, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that a defendant will not earn credit for time served for a subsequent crime while the defendant is serving an imprisonment sentence for a separate, unrelated offense.

Your Committee received testimony in support of this measure from the Department of Public Safety. Testimony in opposition to this measure was submitted by the Office of the Public Defender.

Your Committee finds that the existing language of and case law related to section 706-671, Hawaii Revised Statutes, has led to ambiguities and inconsistencies by the parties involved in a criminal case. This measure creates uniform application and deters imprisoned offenders from incurring new offenses.

The Office of the Public Defender noted in its testimony that this measure appears unnecessary because similar language is already provided under section 706-671(1), Hawaii Revised Statutes. However, the Department of Public Safety clarified that this measure applies to defendants who are currently in custody and serving an imprisonment sentence. Furthermore, due to plea bargains by prosecutors and defense attorneys, the Department is



having problems with correctly applying section 706-671(1), Hawaii Revised Statutes. As a result, the Department is engaged in discussions with the Department of the Attorney General to develop language to clarify and strengthen the law regarding pre-sentence detention credits. Your Committee encourages the Department of Public Safety to provide any recommendations as a result of these discussions to strengthen this measure as it moves through the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2602, H.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2602, HD2	Committee Referral: JDL	Date: 4/2/12		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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	4			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