

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 2868

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. 2868 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this measure is to establish exoneration and enforcement procedures, for and against, bail bond agents and compensated sureties. Among other things, this measure:

- (1) Establishes a board to list and disseminate the names of compensated sureties who are prohibited from posting bail bonds; and
- (2) Creates a process for the court to handle compensated sureties with forfeited bonds when the terms of bail have been violated, including the process under which the court may collect from compensated sureties for the forfeited bonds.

A-1 Bonding Company, Da-Kine Bail Bonds, and one concerned individual testified in support of this measure. The Judiciary and Department of Commerce and Consumer Affairs provided comments.

Your Committee has amended this measure by deleting its contents and replacing it with language contained in S.B. No. 1961 H.D. 1 from the Regular Session of 2008. As amended, this measure establishes:

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- (1) Provisions for the comprehensive oversight and regulation of bail bond agents; and
- (2) Procedures for the exoneration of bail bond agents and sureties from bond liabilities and enforcement procedures for compensated sureties.

Your Committee has also amended this measure by:

- (1) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the replaced provisions amending this measure were the definitions and procedural provisions related to bond forfeiture enforcement, removed by the conference committee on S.B. No. 1961 SD1 HD1, which eventually became Act 134 of the 2008 Session Laws of Hawaii.

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. 2868, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2868, 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



