

STAND. COM. REP. NO. 1422

Honolulu, Hawaii

April 5, 2011

RE: S.B. No. 106
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 106, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose of this bill is to clarify that where multiple terms of imprisonment are imposed, unless otherwise specified by the court, it shall be understood that the terms are to be served concurrently, applicable to all terms of imprisonment entered on, before, or after the effective date of this Act.

The Office of the Public Defender, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, and The Drug Policy Forum testified in support of this measure. The Office of Hawaiian Affairs supported this bill with amendments. The Department of the Attorney General, Department of Public Safety, and Department of the Prosecuting Attorney of the City and County of Honolulu opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting the provision specifying that resentencing those defendants sentenced prior to June 18, 2008, would not be considered reopening a final judgment or subject the State to any liability;

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- (2) Changing the effective date to January 7, 2059; and
- (3) Making technical, nonsubstantive changes 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 S.B. No. 106, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 106, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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


GILBERT KEITH-AGARAN Chair



