

STAND. COM. REP. NO. 2078

Honolulu, Hawaii

FEB 09 2012

RE: S.B. No. 2061
S.D. 1

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
S.B. No. 2061 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose and intent of this measure is to codify
dismissals pursuant to Rule 48 of the Hawaii Penal Procedure and
provide an exception for cases of abuse of family or household
members, for the calculation of the six-month deadline for trial
commencement.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney of the City and
County of Honolulu. Testimony in opposition to this measure was
submitted by the Office of the Public Defender.

Your Committee finds that Rule 48 of the Hawaii Penal
Procedure requires that unless a trial commences within six
months, it may be dismissed by the court with or without
prejudice. As such, the courts are dismissing a number of
domestic violence cases.

Your Committee recognizes the City and County of Honolulu
Prosecutor's current policy to prosecute domestic violence cases,
and believes this measure merits further discussion so its
language may be further streamlined to ensure domestic violence
cases are brought to trial without infringing upon the right to a
speedy trial.

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Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2061, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2061, S.D. 1, 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



