

Honolulu, Hawaii

APR 27 2012

RE: S.B. No. 2158
H.D. 1
C.D. 1

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2158, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to authorize law enforcement agencies to accept cash bail, certified copies of pre-filed bail bonds, and original bail bonds when the court is closed, including nights, weekends, and holidays, to facilitate the prompt release of the detainee after bail is accepted.

Your Committee finds that if a person is taken into custody during non-regular business hours, such as during the night, weekend, or holiday, that person is not able to post bail because the courts are closed, even if the person possesses the bail amount at that time. Individuals are required to pay their bail amount at the courts only during regular business hours. Thus, even if a person who is detained Friday night possesses the bail amount on



Friday, that person will remain detained until Monday morning, when the court opens. This measure ensures the right to bail at all hours, not just during normal business hours.

Your Committee on Conference has amended this measure by:

- (1) Requiring rather than authorizing law enforcement agencies to accept cash bail, certified copies of pre-filed bail bonds, and original bail bonds when the court is closed; and
- (2) Changing the effective date to January 1, 2013, and adding a sunset date of January 1, 2016.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2158, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2158, H.D. 1, C.D. 1.

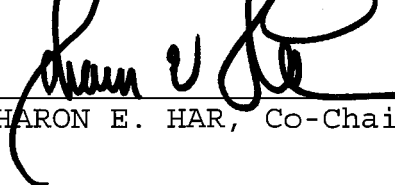
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


GILBERT KEITH-AGARAN, Co-Chair


CLAYTON HEE, Chair


SHARON E. HAR, Co-Chair


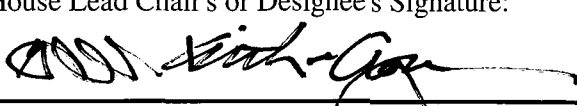

MAILE SHIMABUKURO, Co-Chair



Hawaii State Legislature

CLR 102-12

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB/2158, HD 1					Date/Time: 4/26/12 2:40 pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	/				KEITH-AGARAN, Gilbert S.C., Co-Chr.	/			
SHIMABUKURO, Maile S.L., Co-Chr.	/				HAR, Sharon E., Co-Chr.	/			
SLOM, Sam				/	ITO, Ken				/
					TOKIOKA, James Kunane				/
					THIELEN, Cynthia	/			
TOTAL	2			1	TOTAL	3			2
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:		Original	Yellow	Pink	Goldenrod				
		File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office	Drafting Agency				