

STAND. COM. REP. NO. 2059

Honolulu, Hawaii

FEB 08 2012

RE: S.B. No. 2225

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

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 2225 entitled:

"A BILL FOR AN ACT RELATING TO PRISON LITIGATION,"

beg leave to report as follows:

The purpose and intent of this measure is to impose certain limitations and conditions on in forma pauperis prisoner lawsuits.

Your Committees received testimony in support of this measure from the Department of Public Safety and State Attorney General. Testimony in opposition was received from the Community Alliance on Prisons and American Civil Liberties Union of Hawai'i.

This measure is patterned after the federal Prison Litigation Reform Act, which was enacted in 1996. This measure requires a prisoner who is seeking to file a lawsuit in forma pauperis to submit financial documents certified by the detaining facility indicating the prisoner's inability to pay the filing fees for the lawsuit or appeal. The proposed procedure, among other things, requires inmates seeking in forma pauperis status to pay a portion of the filing fee when funds are available in the inmate's trust account.

Your Committees find that this measure balances a prisoner's right to file complaints or litigation with the need to eliminate frivolous and unnecessary litigation, and reduces the costs associated with the litigation of prisoner lawsuits. However, your Committees caution the courts to protect basic constitutional

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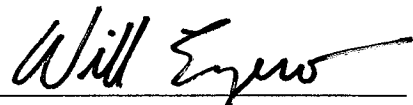
rights to counsel in deciding whether to authorize an inmate to proceed in forma pauperis, depending on the nature of the proposed action.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2225 and recommend that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Government Operations, and
Military Affairs and Judiciary
and Labor,



CLAYTON HEE, Chair



WILL ESPERO, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i


Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 2225	Committee Referral: PGM/JDL, WAM	Date: mk 1-30-12			
<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
ESPERO, Will (C)		✓			
KIDANI, Michelle N. (VC)		✓			
BAKER, Rosalyn H.		✓			
RYAN, Pohai				✓	
SLOM, Sam		✓			
TOTAL		4	0	1	0
Recommendation:			<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:			<i>Michelle N. Kidani</i>		
Distribution:				Goldenrod	
Original		Yellow		Pink	
File with Committee Report		Clerk's Office		Drafting Agency	
				Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2225	Committee Referral: PGM / JDL, WAM	Date: 1/31/12		
<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