

Honolulu, Hawaii

MAY 01 2012

RE: S.B. No. 2776
S.D. 2
H.D. 2
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. 2776, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

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 implement the recommendations of the justice reinvestment working group. This measure is a recommendation of the Council of State Governments Justice Center, which provided intensive technical assistance to Hawaii to conduct a comprehensive analysis of the State's criminal justice system and to help state leaders develop policy options that could increase public safety while saving taxpayer dollars. The Justice Center utilized a data-driven approach to identify inefficiencies, develop cost-effective policy options, and develop a plan for a reinvestment of savings that reduces recidivism and increases public safety.



Your Committee on Conference finds that this measure would contribute to increasing public safety by, among other things:

- (1) Addressing the inefficiencies that tie up resources in ways that do not reduce crime and reinvesting in ways that do;
- (2) Focusing resources on supervision, incarceration, and treatment of those individuals who are most likely to benefit from those investments in terms of reducing their likelihood of committing another crime;
- (3) Increasing accountability in Hawaii's criminal justice system by mandating a period of supervision and increasing the amount of victim restitution collected; and
- (4) Increasing the effectiveness and efficiency of the Hawaii Paroling Authority.

The intent of your Committee on Conference is to realize cost savings and reinvest those savings back into the corrections system to reduce recidivism, decrease the prison population, and strengthen public safety.

Your Committee on Conference has amended this measure by:

- (1) Requiring that the minimum term of imprisonment shall be as determined by the court or the paroling authority, as the case may be;
- (2) Requiring the Department of Public Safety to select a research-based risk assessment tool and validate the accuracy of the risk assessment tool at least every five years in consultation with the Hawaii Paroling Authority;
- (3) Specifying that parole shall be granted upon completion of the minimum term to a person who is assessed as low risk for reoffending unless the person, among other things, is found to have:
 - (A) Committed misconduct while in prison that is equivalent to a misdemeanor or felony crime within thirty-six months of the expiration of the minimum term of imprisonment; or



- (B) An extensive criminal history record that is indicative of a likelihood of future criminal behavior in spite of the finding by the risk assessment;
- (4) Deleting the requirement that a person successfully complete a sex offender treatment program if the person is incarcerated for a sexual offense or child abuse, in order to be granted parole upon completion of the minimum term or imprisonment;
- (5) Deleting the language that required supervised release on parole prior to the maximum term of imprisonment;
- (6) Deleting part V, which appropriated funds for various positions;
- (7) Changing the effective date to July 1, 2012; provided that:
 - (A) The amendments made to section 353-10, Hawaii Revised Statutes, shall take effect on January 1, 2013, and shall be repealed on July 1, 2018;
 - (B) The amendments made to section 353-66(e), Hawaii Revised Statutes, shall take effect on July 1, 2012, for any individual on parole supervision on or after July 1, 2012, and shall be repealed on July 1, 2018;
 - (C) The amendments made to section 706-670(1), Hawaii Revised Statutes, shall take effect on July 1, 2012, and shall be applicable to individuals committing an offense on or after that date; and shall be repealed on July 1, 2018; and
 - (D) The amendments made to sections 353-22.6 and 353-69, Hawaii Revised Statutes, shall be repealed on July 1, 2018; and
- (8) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

Your Committee on Conference notes that it considered changing the period of confinement for retaken paroled prisoners for violating certain conditions of parole to the shorter of the remaining unserved term or no more than twelve months, rather than



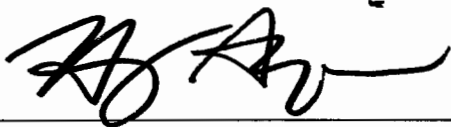
six months, but decided against it in the best interest of the rehabilitation of the person.

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. 2776, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2776, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



HENRY J.C. AQUINO, Co-Chair



WILL ESPERO, Chair



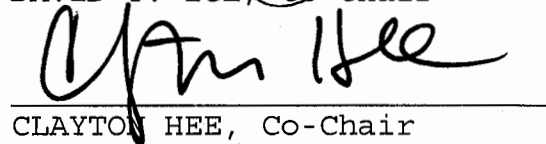
GILBERT KEITH-AGARAN, Co-Chair



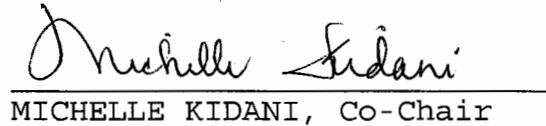
DAVID Y. IGE, Co-Chair



MARCUS R. OSHIRO, Co-Chair



CLAYTON HEE, Co-Chair



MICHELLE KIDANI, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2776, SD 2, HD 2	Date/Time: 4/30/12 9:56a
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The recommendation of the House and Senate managers is to pass with amendments (CD).

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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ESPERO, Will, Chr.	✓				AQUINO, Henry J.C., Co-Chr.	✓			
IGE, David Y., Co-Chr.				✓	KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				OSHIRO, Marcus R., Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				CULLEN, Ty	✓			
RYAN, Pohai	✓				ITO, Ken	✓			
SLOM, Sam		✓			FONTAINE, George R.	✓			
TOTAL	4	1		1	TOTAL	6			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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