

Honolulu, Hawaii

FEB 06 2012

RE: S.B. No. 2777  
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 Public Safety, Government Operations, and  
Military Affairs, to which was referred S.B. No. 2777 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend eligibility for probation to include second time offenders for certain drug offenses;
- (2) Allow a one-time expungement of a drug conviction record for a person sentenced to probation without a previous sentence to probation for a drug offense;
- (3) Reduce the time of probation from five to three years for class B and class C felonies, except sexual offenses and child abuse;
- (4) Establish an incentive time credit for probationers to reduce time on probation; and
- (5) Increase from \$300 to \$750 the minimum threshold value of property or services stolen that constitutes theft in the second degree.

Your Committee received testimony in support of this measure from the Governor, Department of Public Safety, State Public Defender, The Judiciary, The Council of State Governments Justice



Center, Hawaii Substance Abuse Coalition, Community Alliance on Prisons, Drug Policy Forum of Hawai'i, Child & Family Service, American Civil Liberties Union of Hawai'i, Crime Victim Compensation Commission, and three individuals. Comments were received from the Honolulu Prosecuting Attorney.

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 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 plan for a reinvestment of savings that reduces recidivism and increases public safety. The intent of your Committee is to address inefficiencies in the correctional system, reinvest millions of dollars in savings to ease overcrowding in the State's prisons, and eventually stop the practice of sending inmates to the mainland.

Your Committee finds that while crime rates have declined, the population under probation supervision and incarceration has not declined, and in some cases has increased. From July 1, 1999, to June 30, 2011, the State's prison and jail population grew eighteen percent, from 5,118 to 6,043. During the same period, expenditures for the Corrections Division of the Department of Public Safety increased seventy percent, from \$112,000,000 to \$190,000,000. Approximately one-third of Hawaii's prison population is housed in out-of-state facilities on the mainland. The cost of housing these offenders out-of-state was \$45,000,000 from July 1, 2010, to June 30, 2011.

Your Committee further finds that key areas of the criminal justice system are not operating cost effectively to reduce crime and increase public safety. Probation terms in Hawaii are longer than the national average. Nationally, felony offenders are typically supervised for no more than three years. In Hawaii, the statute calls for five years of probation for Class B and C felons. Individuals convicted of a second drug possession offense must be sentenced to imprisonment. Most states allow greater flexibility for judges to determine whether a second time drug possession offender should be sentenced to imprisonment or probation depending on the circumstances of the case.



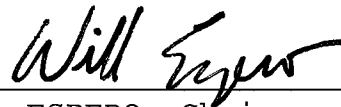
Hawaii's felony theft level has remained unchanged since at least 1986. Currently, theft of more than \$300 constitutes a felony. Nationally, many states have recently raised their thresholds to adjust for inflation. The national average threshold is more than \$700.

Your Committee wants to stop the practice of sending our prisoners out of state because it sends public dollars out of Hawaii. Your Committee finds that the best way to reduce crime is to support the establishment of strong, nurturing families and improve economic and social conditions. By returning prisoners to Hawaii, not only are the opportunities for rehabilitation and family reunification improved, dollars spent out-of-state will be reinvested in creating jobs and community service opportunities here at home.

Your Committee has amended this measure by 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 Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2777, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Government Operations, and  
Military Affairs,



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.:* <i>SB 2777</i>	Committee Referral: <i>PGM, JDL</i>	Date: <i>1-31-12</i>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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				✓
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes