

NEIL ABERCROMBIE
GOVERNOR



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No. - -

LATE TESTIMONY

TESTIMONY ON HOUSE BILL 2602 RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE

by

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Friday, February 3, 2012, 2:00 PM
State Capitol, Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) strongly supports House Bill (HB) 2602 that amends Section 706-671, Hawaii Revised Statutes, by adding a new subsection. The recommended language clarifies when a defendant, who is convicted for a crime committed while already serving a sentence of imprisonment on a separate unrelated felony offense will earn credit for time of detention, commonly referred to as "pre-sentence credits." This measure specifies that a defendant shall not receive credit for time served on a subsequent crime for any period being served on the original felony term of imprisonment. This measure is intended to assist PSD, the Judiciary, the Office of the Public Defender, County Department of the Prosecuting Attorney, and Defense Counsel by clearly identifying a situation whereby a defendant will not earn

pre-sentence credits, while already serving a felony term of imprisonment.

The current language and case law related to Section 706-671 has led to ambiguities and inconsistencies by the parties involved in a criminal case. This measure will create uniformity in application and will deter imprisoned offenders from incurring new offenses. The recommended changes will assist with ensuring that a defendant completes his sentence on an initial felony conviction without the benefit of a "double credit" when calculating pre-sentence credits for a subsequent crime.

PSD strongly supports HB 2602, because this measure provides a clear and uniform understanding for the calculation of pre-sentence credits. Further, criminal prosecution for crimes committed while in prison is not a deterrent, if pre-sentence credits for those crimes are earned from sentences already being served. This measure, if passed, will have a deterrent effect, because it guarantees that a defendant will serve additional time for further crimes.

Thank you for the opportunity to testify.