



LATE

The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Marcus r. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Wednesday, April 4, 2012, 2:30 p.m.
State Capitol, Conference Room 308

By

Cheryl R. Marlow
Administrator
Adult Client Services Branch
Circuit Court of the First Circuit

Bill No. and Title: Senate Bill No. 2056, H.D. 1, Relating to the Penal Code.

Purpose: Requires the probation officer, prior to the early discharge of a defendant, to report to the court concerning the defendant's compliance or non-compliance with the terms of probation.

Judiciary's Position:

The Judiciary strongly supports Senate.Bill No. 2056, H.D. 1 which is part of the Judiciary's 2012 legislative package. Under existing law, the court may grant early discharge from probation without input from a defendant's probation officer concerning that defendant's compliance or non-compliance with the conditions of probation.

Along with the information provided by the defendant or prosecutor, this bill will ensure that there is input from a court official responsible for the defendant's supervision in every case that comes before the court for early discharge.

Thank you for the opportunity to testify on Senate Bill No. 2056, H.D. 1.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA
DIRECTOR

Martha Torney
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Deputy Director
Law Enforcement

No. _____

April 4, 2012

TESTIMONY ON SENATE BILL 2056, HOUSE DRAFT 1
RELATING TO THE PENAL CODE

By

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

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Wednesday, April 04, 2012; 2:30 p.m.
State Capitol, Conference Room 308

Chair Oshiro, Vice Chair Lee, and Members of the Committees:

The Department of Public Safety **does not support** Senate Bill 2056, House Draft 1, which requires a probation officer to report to the Court a defendant's compliance or non-compliance with terms of probation prior to early discharge. Rather, we ask that this measure be held and House Bill 2515 be used as the vehicle that reflects in greater part the recommendations of the Justice Reinvestment Working Group.

The length of probation terms in Hawaii exceeds the national average. Valuable probation resources are spent on supervising offenders who have a very low risk of recidivism after the first three years of a probation term. Based on the findings considered by the Working Group, Hawaii could make better use of its limited resources by focusing services on high risk offenders.

The Hawaii sentencing code has a standard probation period of five years for both class B and C felonies, with exceptions for certain sex offenders. This

standard was established through Act 9, Session Laws of Hawaii 1972, a measure that totally revised the Hawaii Penal Code. Since 1972, extensive research has shown that recidivism, defined as any new arrest for this purpose, is most likely to take place during the first three years of community supervision. In the majority of states, probation services are delegated to the counties and among the largest counties, 83% of felony probationers receive terms of three years or less. In Hawaii, 95% of felony probationers are ordered to terms of more than three years.

Analysis of Hawaii criminal justice data indicates that 60% of probationers assessed as low risk of reoffending are supervised for five years. The cohort of those placed on probation in FY 2008 was tracked for three years and found that high risk probationers have much higher recidivism rates than their low risk counterparts—34% of low risk probationers were rearrested versus 56% of high risk probationers.

By directing our attention to the high risk offender, we will achieve greater reductions in recidivism and victimization. We recommend the reduction of standard probation terms from five years to three years, except for those who were convicted of sexual offenses and child abuse. Should an offender sentenced to three years of probation prove to require extended supervision, the Courts can so order under certain conditions.

House Bill No. 2515, House Draft 3, incorporates the following recommendation for revisions to Section 706-623 (1) (b):

- (b) "Five years upon conviction of a class B or class C felony[;]
under part II, V, or VI of chapter 707, chapter 709, and part I
of chapter 712 and three years upon conviction of any other
class B or C felony."

House Draft 3 also contains the amended language found in this measure, requiring a report to the Court concerning compliance and non-compliance with terms of probation, which we have supported in previous testimony.

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
April 4, 2012
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Thank you for the opportunity to testify on this important issue and we urge that you hold this measure.



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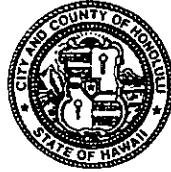
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Along with the information provided by the defendant or prosecutor, this bill will ensure that there is input from a court official responsible for the defendant's supervision in every case that comes before the court for early discharge.

Thank you for the opportunity to testify on Senate Bill No. 2056, H.D. 1.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
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PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

April 4, 2012

The Honorable Marcus Oshiro, Chair
and Committee Members
Committee on Finance
House of Representatives
State of Hawaii
State Capitol, Room 306
Honolulu, Hawaii 96813

Dear Chair Oshiro and Committee Members:

Subject: S.B. No. 2506 SD2 HD1, Relating to Civil Identification

The City and County of Honolulu has no objections to S.B. No. 2506 SD2 HD1 which transfers the responsibility of issuing state identification cards to the county driver licensing offices.

Since the required documents and processing procedures for issuance of a driver's license and a state identification card is similar, the transition should not be difficult to implement.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

Dennis A. Kamimura
Licensing Administrator