

STAND. COM. REP. NO. 913

Honolulu, Hawaii
March , 2013

RE: H.B. No. 1059
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1059, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT ADVISEMENT CONCERNING ALIEN STATUS, "

begs leave to report as follows:

The purpose of this measure is to protect the rights of non-citizens and allow a non-citizen defendant the opportunity to make a knowing, voluntary, and intelligent plea of guilty or no contest. Specifically, this measure requires the court to advise criminal defendants of the effects of a guilty or no contest plea on their alien status in the United States prior to the entry of a guilty or no contest plea.

The Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; Department of the Prosecuting Attorney, County of Maui; and Maui Police Department supported this measure. The Office of the Public Defender offered comments on this bill.

Your Committee has amended this measure by:

- (1) Requiring the court to administer, verbatim, two advisements concerning alien status to a criminal defendant:

HB1059 HD2 HSCR JUD HMS 2013-2515



- (A) One at a defendant's arraignment and plea hearing for an offense punishable as a crime under state law; and
 - (B) One prior to the commencement of trial or a defendant's entry of a plea of guilty or nolo contendere;
- (2) Clarifying the content of the two contextually appropriate advisements that must be given to a defendant; and
 - (3) Making technical, nonsubstantive amendments for clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1059, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1059, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



