

Honolulu, Hawaii

February 13, 2013

RE: H.B. No. 1059
H.D. 1

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

Sir:

Your Committee on Veterans, Military, & International
Affairs, & Culture and the Arts, to which was referred H.B. No.
1059 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.

The Department of the Prosecuting Attorney of the County of
Maui, Office of the Prosecuting Attorney of the County of Kauai,
and Office of the Prosecuting Attorney of the County of Hawaii
testified in support of this bill. The Department of the Attorney
General testified in support of the intent of this measure.

Your Committee has amended this bill by:

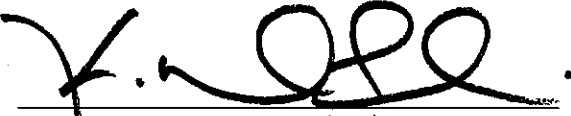
- (1) Specifying that the advisement of the effects of a
guilty or no contest plea on a defendant's alien status
in the United States be given prior to the defendant's
entry of a guilty or no contest plea rather than prior
to acceptance of the plea by the court; and



- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Veterans, Military, & International Affairs, & Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1059, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1059, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Veterans,
Military, & International
Affairs, & Culture and the
Arts,


K. MARK TAKAI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 404

Record of Votes of the Committee on Veterans, Military, & International Affairs, & Culture and the Arts

Bill/Resolution No.: HB1059	Committee Referral: VMI, JLD	Date: 2/6/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
VMI Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAI, K. Mark (C)	✓			
2. ITO, Ken (VC)	✓			
3. BROWER, Tom				✓
4. CACHOLA, Romy M.				✓
5. CHOY, Isaac W.	✓			
6. OHNO, Takashi	✓			
7. ONISHI, Richard H.K.	✓			
8. TAKAYAMA, Gregg	✓			
9. TSUJI, Clift	✓			
10. MCDERMOTT, Bob				✓
TOTAL (10)	7		0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				