

Honolulu, Hawaii

April 24, 2014

RE: H.B. No. 2116
H.D. 2
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2116, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING FOR JUVENILE OFFENDERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to eliminate sentences of life imprisonment without the possibility of parole for juvenile offenders. Specifically, this measure:

- (1) Amends section 706-656, Hawaii Revised Statutes, relating to imprisonment terms for first and second degree murder and attempted first and second degree murder, to:
 - (A) Apply a sentence of life imprisonment without the possibility of parole to persons eighteen years of age or over at the time of the offense who are



convicted of first degree murder or first degree attempted murder; and

- (B) Require that persons under the age of eighteen years at the time of the offense who are convicted of first degree murder or first degree attempted murder be sentenced to life imprisonment with the possibility of parole;
- (2) Amends section 706-657, Hawaii Revised Statutes, relating to enhanced sentence for second degree murder, to apply the sentencing guidelines under this section to persons eighteen years of age or over at the time of the offense; and
- (3) Amends section 706-669, Hawaii Revised Statutes, relating to the determination of minimum terms of imprisonment, to establish a limit on the minimum term of imprisonment before a prisoner who was less than eighteen years of age at the time of the offense becomes eligible for parole.

Your Committee on Conference has amended this measure by:

- (1) Deleting the amendment to section 706-669, Hawaii Revised Statutes, relating to the determination of minimum terms of imprisonment;
- (2) Changing its effective date to upon its approval and specifying that the measure shall apply to proceedings arising on or after its effective date, and to proceedings that were begun but not concluded before its effective date; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2116, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2116, H.D. 2, S.D. 1, C.D. 1.



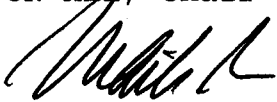
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



CLAYTON HEE, Chair



MAILE S.L. SHIMABUKURO, Co-Chair



MELE CARROLL, Co-Chair



KARL RHOADS, Co-Chair



Hawaii State Legislature

CCR 56-14

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 2116, HD 2, SD 1	Date/Time: 4/28/14 ^{2nd} 3:46pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				CARROLL, Mele, Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
GALUTERIA, Brickwood	✓				AWANA, Karen	✓			
					FUKUMOTO, Beth				✓
TOTAL	3				TOTAL	3			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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