

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 1183
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1183, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require intake service centers to provide pretrial bail reports to the courts on adult offenders that are consented to by the defendant or that are ordered by the court;
- (2) Provide statutory authority to the courts to treat information contained in the pretrial bail reports as confidential; and
- (3) Repeal the intake service centers' duty to assist in the conduct of presentence assessments on adult offenders and the preparation of presentence reports when requested by the courts.

Your Committee received testimony in support of this measure from the Department of Public Safety.

Your Committee finds that this measure provides clear language identifying the intake service centers' core responsibility in providing bail reports to the court. This measure will allow courts to receive detailed information, such as



the defendant's medical, mental health, and substance abuse history, to assist with pretrial release decision-making. This measure will also protect defendants from having the confidential information contained in these reports made public, thereby exposing them to potential identity theft.

Your Committee has amended this measure by:

- (1) Adopting the amendment suggested by the Department of Public Safety to delete language relating to pretrial assessment on adult offenders that are consented to by the defendant or that are ordered by the court under section 353-10(a)(3)(A), Hawaii Revised Statutes;
- (2) Adding an amendment to section 14 of Act 139, Session Laws of Hawaii 2012, to change the form of section 353-10, Hawaii Revised Statutes, among other sections, that will be effective upon reenactment of that section pursuant to section 14 of Act 139, Session Laws of Hawaii 2012;
- (3) Adding language to ensure that the amendments made to section 353-10, Hawaii Revised Statutes, by this measure will not be repealed on July 1, 2018, pursuant to section 14 of Act 139, Session Laws of Hawaii 2012; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1183, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1183, S.D. 2.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1183 bdl	PSM, JDL	2/22/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes