

STAND. COM. REP. NO. 2074

Honolulu, Hawaii

FEB 05 2014

RE: S.B. No. 2395  
S.D. 1

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

Madam:

Your Committee on Human Services, to which was referred S.B. No. 2395 entitled:

"A BILL FOR AN ACT RELATING TO THE HOMELESS,"

begs leave to report as follows:

The purpose and intent of this measure is to deter crimes against the homeless by requiring mandatory minimum terms of imprisonment for certain felonies and extended terms of imprisonment for certain felonies that are committed against an individual or family that the defendant knew or reasonably should have known was homeless.

Your Committee received testimony in support of this measure from the Institute for Human Services, Blueprint for Change, Community Alliance for Mental Health, and one individual. Your Committee received comments on this measure from Hawaii Appleseed Center for Law and Economic Justice and one individual.

Your Committee finds that recent acts of violence against unsheltered homeless individuals demonstrate a need for more protection for Hawaii's homeless population. In the last couple of months, three homeless, unsheltered men between the ages of thirty and eighty-three were murdered on the streets of Oahu. Your Committee further finds that it is important to highlight the vulnerability of the homeless who are unsheltered, as those are the individuals being targeted and victimized.



Your Committee agrees with the amendments suggested by the Institute for Human Services and Hawaii Appleseed Center for Law and Economic Justice to include the unsheltered homeless as a protected class of crime victims under hate crime sentencing. This amendment would not only acknowledge the underlying discrimination that is believed to have incited the recent acts of violence against the homeless, but also recognize the widespread fear of being targeted that these acts instill in Hawaii's unsheltered homeless population.

Your Committee has amended this measure by:

- (1) Removing language making certain felonies committed against the homeless subject to mandatory minimum terms of imprisonment without the possibility of parole;
- (2) Adding language to specify that extended terms of imprisonment for certain crimes committed against a homeless person or family are applicable only if the homeless person or family is in an unsheltered state;
- (3) Adding language to include unsheltered homeless as a class of victims for which a defendant may be subject to extended terms of imprisonment as a hate crime offender;
- (4) Defining "unsheltered homeless" as an individual or family who has a primary night-time residence that is a public or private place not designed for or ordinarily used as sleeping accommodations for human beings; and
- (5) 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2395, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2395, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

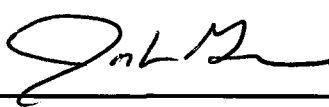
*Suzanne Chun Oakland*

SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2395	HMS, JDL	1/27/14		
<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
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
KIDANI, Michelle N.				✓
TANIGUCHI, Brian T.		✓		
SLOM, Sam			✓	
<b>TOTAL</b>	2	1	1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes