

STAND. COM. REP. NO.

1464

Honolulu, Hawaii

April 5

, 2013

RE: S.B. No. 68
S.D. 1
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 Judiciary, to which was referred S.B. No. 68, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this measure is to grant a court the discretion to sentence a defendant convicted of a class B or C felony drug offense to an indeterminate term of imprisonment, with certain exceptions.

The League of Women Voters of Hawaii, the American Civil Liberties Union of Hawaii, the Community Alliance on Prisons, and numerous concerned individuals provided testimony in support of this measure. The Department of the Attorney General, the Honolulu Police Department, the Maui Police Department, the Hawaii County Office of the Prosecuting Attorney, the Office of the Prosecuting Attorney of the County of Maui, the Office of the Prosecuting Attorney of the County of Kauai, and the Department of the Prosecuting Attorney of the City and County of Honolulu provided testimony in opposition to this measure. The Office of the Public Defender and one concerned individual provided comments.

SB68 HD1 HSCR JUD HMS 2013-3118-1



Your Committee has amended this measure by:

- (1) Clarifying that a sentence of imprisonment imposed for the specified class B felonies shall not be less than five years, and a sentence of imprisonment imposed for the specified class C felonies shall not be less than one year;
- (2) Removing the retroactive provision that would have allowed defendants convicted of class B or C felonies affected by this measure to seek a one-time review of the length of their original prison sentences before July 1, 2015, for a possible reduction in their original sentences; and
- (3) Making technical, nonsubstantive amendments for the purposes of 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 S.B. No. 68, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 68, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



