

Honolulu, Hawaii

March 4, 2016

RE: H.B. No. 2391
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2391, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RELEASE OF CERTAIN MISDEMEANANTS,"

begs leave to report as follows:

The purpose of this measure is to prevent overcrowding at community correctional centers by authorizing the Director of Public Safety to release pretrial or sentenced misdemeanants based on specific criteria and referenced procedures. Pretrial or sentenced misdemeanants who are convicted or arrested on suspicion of abuse of family or household members would not be eligible for release by the Director of Public Safety.

The Department of Public Safety, Office of Hawaiian Affairs, Community Alliance on Prisons, Ho'omana Pono, LLC, , The CHOW Project, Beacon of Hope House, and several concerned individuals testified in support of this measure. The Honolulu Department of the Prosecuting Attorney, Maui Department of the Prosecuting Attorney, and Honolulu Police Department testified in opposition. The Department of the Attorney General supports the intent and offers comments.

Your Committee has amended this measure by:

- (1) Clarifying that no person who is currently incarcerated for specified crimes shall be eligible for release



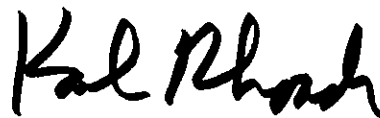
including a person who has been arrested for or convicted of any other crime of violence;

- (2) Deleting the provision that afforded immunity to the State, its officers, and employees for any error in judgment or discretion made in good faith and upon reasonable grounds;
- (3) Requiring the Director of Public Safety to notify the prosecuting attorney of the release of any person not later than the time of the actual release;
- (4) Inserting a savings clause that this measure does not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date;
- (5) Specifying that this measure applies only to persons whose incarceration commences after its effective date; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee emphasizes that the Director of Public Safety is required under section 801D-4(a)(7), Hawaii Revised Statutes, upon written request, to notify victims and surviving immediate family members of victims of changes in the custodial status of the offender.

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 H.B. No. 2391, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2391, H.D. 2.

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



KARL RHOADS, Chair



