

STAND. COM. REP. NO. 3066

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2391
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2391, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent 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.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Attorney General, Office of Hawaiian Affairs, Community Alliance on Prisons, The CHOW Project, and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney for the City and County of Honolulu.

Your Committee finds that correctional facilities in Hawaii suffer from persistent overcrowding. This condition adversely affects the ability of the State to adequately provide for the safe, secure, and humane incarceration of inmates in its care and custody. Your Committee further finds that conditional release of qualified misdemeanants is a rational and reasonable alternative



to incarceration that will relieve overcrowded jail conditions in Hawaii. Your Committee additionally finds that careful consideration by the Director of Public Safety is necessary to minimize the possibility of dangerous or unsuitable individuals being released from incarceration. Your Committee also finds that timely notice in advance of a misdemeanor's release is necessary to ensure that law enforcement and the courts have the opportunity to take appropriate action to minimize any potential disruptions caused by the release of an inmate.

Your Committee has amended this measure by:

- (1) Requiring the Director to consider the circumstances and nature of the misdemeanor's charge or offense before ordering a release;
- (2) Removing the requirement that the Director file a copy of the release order with the court in which the charge against a released inmate is pending;
- (3) Requiring the Director to notify the court where a released inmate's case is assigned as well as the prosecuting attorney of the release no later than twenty-four hours prior to the time of the release;
- (4) Clarifying that it applies to persons whose original crime occurred on or after the effective date of the measure; 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2391, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2391, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



