

STAND. COM. REP. NO. **689**

Honolulu, Hawaii

**MAR 06 2015**

RE: S.B. No. 1331  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1331, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require pretrial risk assessments, pretrial bail reports, and arraignments to be completed within five working days after an arrest;
- (2) Require intake service centers to interview lay sponsors within seven working days of their identification and allow the court to order defendants released on bail, recognizance, or supervised release to report to lay sponsors for supervision;
- (3) Prohibit judicial officers from denying bail absent a pretrial risk assessment score that reflects a high risk of flight or commission of a new criminal offense; and
- (4) Prohibit judicial officers from relying on a bail schedule or bail amount that would have been necessary to prevent release of a defendant during jail overcrowding.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons. Your Committee received

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testimony in opposition to this measure from the Department of Public Safety; Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kauai; and The Sex Abuse Treatment Center. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that despite the advancement in pretrial assessment since 2012, pretrial lengths of stay for those who are ultimately released before trial have increased, averaging almost seventy days. Pretrial length of stay in Hawaii remains approximately four times as long as the national average. Reentry intake service centers have conducted more timely assessments, but this alone has not produced more timely processing of cases or affected release decisions. The result, incarcerating defendants before they are ultimately released on bail, recognizance, or supervision, and before they plead or are found guilty, is costly for the State. Implementation of this measure will require timely processing and quality information for appropriate pretrial release decisions.

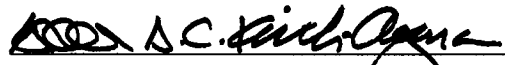
Your Committee has amended this measure by:

- (1) Inserting a blank number of working days within which pretrial risk assessments, pretrial bail reports, and arraignments must be completed after an arrest;
- (2) Inserting a blank number of days within which intake service centers must interview lay sponsors;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; 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. 1331, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1331, S.D. 2.



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




GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 1331 SD1</b>	Committee Referral: <b>PSM, JDL</b>	Date: <b>2/27/15</b>		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <span style="float:right;"></span>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes