

STAND. COM. REP. NO.

956

Honolulu, Hawaii

MAR 22 2017

RE: H.B. No. 1135
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1135, H.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 amend Act 139, Session Laws of Hawaii 2012, as amended, to make certain provisions of the Justice Reinvestment Initiative relating to pretrial risk assessments, parole, and parole hearings permanent.

Your Committee received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, Crime Victim Compensation Commission, Community Alliance on Prisons, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that overcrowding of prisons poses a significant threat to the health, safety, and welfare of the public. The purpose of this measure is to ensure the continued effectiveness of the Justice Reinvestment Initiative in reducing recidivism and promoting public safety by making permanent its provisions relating to timely pretrial risk assessments, confinement duration of a prisoner retaken on a parole violation,



the use of validated research-based risk assessments by the Hawaii Paroling Authority, and victim restitution.

Your Committee, however, recognizes the concerns raised by the Honolulu Department of the Prosecuting Attorney concerning the ineffectiveness of section 10 of Act 139, Session Laws of Hawaii 2012, in facilitating the payment of restitution to crime victims since a vast majority of offenders owing restitution are not in prison. Accordingly, your Committee has amended this measure by:

- (1) Inserting language from H.B. No. 305, Regular Session of 2017, which:
 - (A) Creates standards and procedures for income-withholding from those owing restitution to crime victims;
 - (B) Establishes unpaid restitution as a valid debt for the purposes of withholding state income tax refunds;
 - (C) Requires that money deposited by way of bail or bond be applied to any restitution, fines, or fess ordered by the court before any balance is returned to a defendant; and
 - (D) Extends victims' access to payment compliance records for purposes of enforcing restitution orders, without the assessment of any filing fees or surcharges; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee also has some concerns that the language of Act 139, Session Laws of Hawaii 2012, may allow some prisoners to be released on parole without a parole plan for the prisoner in place, which could pose a significant risk to the public welfare. Your Committee, however, was unable to fully investigate this seeming ambiguity through its hearing. Therefore, if your Committees on Judiciary and Labor and Ways and Means decide to hear this measure, those Committees may want to conduct further



inquiry into Act 139's language to ensure that all parolees have a parole plan in place prior to their release.

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. 1135, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1135, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

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



CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 1135, HD1	Committee Referral: PSM, JDL	Date: 3/14/17		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
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