

STAND. COM. REP. NO.

1523

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 1135
H.D. 1
S.D. 2

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 1135, H.D. 1, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make permanent certain provisions of Act 139, Session Laws of Hawaii 2012, the Justice Reinvestment Initiative, relating to pretrial risk assessments, parole, and parole hearings;
- (2) Create standards and procedures for income-withholding for purposes of enforcing restitution orders;
- (3) Clarify the priority of income withholding orders;
- (4) Amend the definition of "debt" relating to the recovery of money owed to the State to include court-ordered restitution subject to civil enforcement;
- (5) Require that any bail posted by a defendant be applied toward payment of any court-ordered restitution in the same case; and



- (6) Extend victims' access to adult probation records to include access to payment compliance records.

Your Committees received testimony in support of this measure from the Department of Public Safety. Your Committees received comments on this measure from the Judiciary, Department of the Attorney General, and Office of Hawaiian Affairs.

Your Committees find that Act 139, Session Laws of Hawaii 2012, the Justice Reinvestment Initiative, implemented a data-driven justice reinvestment strategy that mandates use of a pretrial risk assessment, reduces sentences for certain parole violations and drug offenses, expands parole, and enhances community-based treatment and victims' services with the intent to reduce spending on corrections and reinvest savings generated in strategies that increase efficiency, reduce recidivism, and ensure accountability of offenders. Your Committees also find that after only the first year of implementation, justice reinvestment led to a four percent decrease in the State's incarcerated population and saved the State \$2,500,000 in fiscal year 2013. This measure retains effective provisions of the Justice Reinvestment Initiative that are set to repeal and establishes additional mechanisms to increase offender accountability and secure restitution payments to crime victims.

Your Committees have amended this measure by:

- (1) Clarifying the definition of "employer" and specifying that the term includes the defendant and limited liability companies; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1135, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1135, H.D. 1, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair




GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1135, HD1, SD1	PSM, JDL/WAM	3/30/17		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani				/
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUE, Lorraine R.	/			
KAHELE, Kaiali'i				/
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.				/
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
TOTAL	8			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes