

STAND. COM. REP. NO.

163

Honolulu, Hawaii

February 9, 2017

RE: H.B. No. 1246

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 1246 entitled:

"A BILL FOR AN ACT RELATING TO ALTERNATIVES TO INCARCERATION,"

begs leave to report as follows:

The purpose of this measure is to prevent the overcrowding of inmates at community correctional centers by:

- (1) Expanding the authority of the Department of Public Safety to release certain pre-trial detainees and sentenced offenders to include felons; and
- (2) Requiring the electronic monitoring of released detainees and offenders, and offenders in programs that offer alternatives to incarceration.

African American Lawyers Association and Ho'omana Pono, LLC., supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu opposed this measure. The Department of Public Safety offered comments on this measure.

Your Committee has amended this measure by:

- (1) Authorizing the Director of Public Safety, pursuant to specific criteria, to release offenders in programs that offer alternatives to incarceration;

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- (2) Deleting statutory language that presently prohibits an inmate whose bail has been set at more than \$5,000 pursuant to Chapter 804, Hawaii Revised Statutes, from being eligible for release to prevent overcrowding at community correctional centers;
- (3) Providing that an inmate shall be eligible for release to prevent overcrowding at community correctional centers if the inmate has a pretrial risk assessment tool score of moderate or lower;
- (4) Clarifying that an inmate who has an arrest or conviction for sexual harassment in the fourth degree, harassment by stalking, violation of an order of protection, or violation of a temporary restraining order shall be ineligible for release to prevent overcrowding at community correctional centers; and
- (5) Making technical and nonsubstantive amendments for clarity, consistency, and style.

Should subsequent committees further deliberate on this measure, your Committee respectfully requests that they consider the concerns raised by the Department of the Prosecuting Attorney of the City and County of Honolulu about the provisions of the measure that may affect public safety.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1246, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1246, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



GREGG TAKAYAMA, Chair



