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Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 322
S.D. 1
H.D. 1
C.D. 1

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

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 322, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT JURISDICTION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify that the circuit courts have concurrent jurisdiction with the family court over certain felonies when multiple offenses are charged and at least one of the offenses is a violation of the offense of endangering the welfare of a minor in the first degree, endangering the welfare of a minor in the second degree, or endangering the welfare of an incompetent person; and
- (2) Clarify that the district courts have concurrent jurisdiction with the family court of any violation of the



offense of endangering the welfare of a minor in the second degree or endangering the welfare of an incompetent person when multiple offenses are charged and least one of the offenses is a criminal offense within the jurisdiction of the district courts.

Your Committee on Conference finds that circuit, district, and family courts each have exclusive, original jurisdiction over certain matters as provided by law. There may be circumstances in which an entire act may be comprised of charges for which courts have separate exclusive jurisdiction. However, double jeopardy protections require that a defendant be charged with all known potential charges at the same time. As a result, the State must choose between charging the defendant in circuit, district, or family court based on the jurisdiction of each court. This measure will allow the circuit and district courts to have concurrent jurisdiction with the family court over certain endangerment offenses under certain circumstances to allow for proper charging and prosecution of these cases.

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 322, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 322, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SCOTT Y. NISHIMOTO
Chair



GILBERT S.C. KEITH-AGARAN
Chair



