

STAND. COM. REP. NO.

616

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 339
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 Judiciary and Labor, to which was referred
S.B. No. 339 entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION CHARGING,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize all
class B and class C felony charges to be instituted by written
information subject to specified exceptions.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Office of the
Prosecuting Attorney, County of Kaua'i; Department of the
Prosecuting Attorney, County of Maui; and Department of the
Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that existing law enumerates fourteen
class B felonies and ninety-four class C felonies that may be
instituted by written information. Each time a new offense is
created or added to the list of offenses that may be chargeable by
written information, section 806-83, Hawaii Revised Statutes
(HRS), must be amended to reflect this addition. By specifying
certain offenses that shall not be, rather than listing offenses
that may be, instituted by written information, this measure
creates greater efficiency in implementing the written information
charging law.



Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General that:
 - (A) Clarifies that criminal charges may be instituted by written information for a felony when the charge is under section 329-46, HRS, and the comparable offense under part IV of chapter 712, HRS, is a class B or class C felony not enumerated in section 806-83(a) or (b), HRS, excluding the reference to section 806-83(c), HRS, as that subsection does not include a drug offense; and
 - (B) Specifies that a criminal charge may be instituted by written information for a felony when the underlying offense is an offense not listed in section 806-83(a) or (b), HRS, or an offense specified in section 806-83(c) or (d), HRS, to distinguish between the offenses enumerated in subsections (a) and (b), which are excluded from written information charging, and the offenses enumerated or described in subsections (c) and (d), which may be charged by written information;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) 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. 339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 339, S.D. 1, and be placed on the calendar for Third Reading.



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


GILBERT S.C. KEITH-AGARAN, Chair



