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LEGISLATIVE REFERENCE BUREAU
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Written Comments

SCR126

**REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE AND
MAKE RECOMMENDATIONS REGARDING CRIMINAL PRETRIAL PRACTICES
AND PROCEDURES TO MAXIMIZE PUBLIC SAFETY, MAXIMIZE COURT
APPEARANCES, AND MAXIMIZE PRETRIAL RELEASE OF THE ACCUSED AND
PRESUMED INNOCENT**

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Tuesday, March 28, 2017, 1:20
Conference Room 229

Chair Nishihara and Members of the Committee:

Good afternoon Chair Nishihara and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.C.R. No. 126, Requesting the Judiciary to Convene a Task Force to Examine and Make Recommendations Regarding Criminal Pretrial Practices and Procedures to Maximize Public Safety, Maximize Court Appearances, and Maximize Pretrial Release of the Accused and Presumed Innocent.

The purpose of this measure is to request that the Judiciary convene a Criminal Pretrial Task Force to:

- (1) Examine and, as needed, recommend legislation and revisions to criminal pretrial practices and procedures to increase public safety while maximizing pretrial release of those who do not pose a danger or a flight risk;

- (2) Identify and define best practices metrics to measure the relative effectiveness of the criminal pretrial system, and establish ongoing procedures to take such measurements at appropriate time intervals; and
- (3) Draft and submit, with the assistance of the Legislative Reference Bureau, a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2019.

The measure also requests that:

- (1) The Judiciary and the Department of Public Safety are requested to provide administrative support to the task force; and
- (2) The Legislative Reference Bureau, upon request of the task force, assist in the preparation of the report; provided that the task force submits a draft, including any other information and materials deemed necessary by the Bureau, to the Bureau no later than August 1, 2018, for the preparation of the report.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

If the measure is not amended to increase the scope of the Bureau's involvement in this project, the Bureau believes that the services requested under this measure are manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.