

STAND. COM. REP. NO. 442-18

Honolulu, Hawaii

February 14, 2018

RE: H.B. No. 1667
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1667 entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose of this measure is to make a housekeeping amendment to clarify that eligibility for probation does not apply to drug offenses involving the possession or use of drug paraphernalia. This amendment is intended to make the law governing the probation of drug offenders consistent with Act 72, Session Laws of Hawaii 2017, which decriminalized certain offenses involving the use, possession, and delivery of drug paraphernalia.

The Judiciary provided comments on this measure.

Your Committee has amended this measure by:

- (1) Clarifying that a person convicted for the first or second time for an offense involving the possession or use of drug paraphernalia is eligible for probation, except when the offense is designated as a violation and is, therefore, not a criminal offense subject to criminal penalties; and



- (2) Changing its effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1667, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1667, H.D. 1, and be placed on the calendar for Third Reading.

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



SCOTT Y. NISHIMOTO, Chair



