STAND. COM. REP. NO.

447-18

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

State of Hawaii House of Representatives #\$C\(2 \) 442-18 The Twenty-ninth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:			Date:		
HB 1667	Jup			01/25/2018		
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold						
☐ Pass short form bill with HD to recommit for future public hearing (recommit)						
JUD Members		Ayes	Ayes (WR)		Nays	Excused
1. NISHIMOTO, Scott Y. (C)						
2. SAN BUENAVENTURA, Joy A. (VC)						100
3. BROWER, Tom						
4. LEE, Chris						· · · · · · · · · · · · · · · · · · ·
5. MORIKAWA, Dee						
6. TAKAYAMA, Gregg					*	
7. MCDERMOTT, Bob						
8. THIELEN, Cynthia						
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TOTAL (8)		7				\
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) - Committee Displicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						