

STAND. COM. REP. NO.

3029

Honolulu, Hawaii

MAR 21 2018

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

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1667, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose and intent 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 for the purpose of making 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.

Your Committee received testimony in support of this measure from the Judiciary and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that Act 72, Session Laws of Hawaii 2017, decriminalized certain offenses related to the use, possession, and delivery of drug paraphernalia. As a result, statutory language governing probation eligibility for offenders convicted of those offenses is no longer relevant. This measure will increase consistency within the Hawaii Revised Statutes by removing language that no longer has coherent substantive effect.



Your Committee has amended this measure by inserting an effective date of July 1, 2018.

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, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1667, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <i>HB 1667, HD1</i>	Committee Referral: <i>JDC</i>	Date: <i>3 / 13 / 18</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
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\*Only one measure per Record of Votes