

Honolulu, Hawaii

February 14, 2017

RE: H.B. No. 464

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 464 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this measure is allow defendants who have been charged with a misdemeanor, petty misdemeanor, or violation to be released on recognizance while creating the penalty of a class C felony for a defendant who commits a new criminal offense while released and awaiting trial for the first offense.

Ho'omana Pono, LLC. and a concerned individual supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and two concerned individuals opposed this measure. The Office of Hawaiian Affairs, Honolulu Police Department, American Civil Liberties Union of Hawaii, Common Cause Hawaii, Hawaii Substance Abuse Coalition, Community Alliance on Prisons, and a concerned individual offered comments.

Your Committee has amended this measure by:

- (1) Authorizing the court the option of requiring bail for a defendant charged with a serious crime and who poses a serious risk to the community, among other risk criteria; and



- (2) Changing the effective date to July 1, 2099, to promote further discussion.

Should the Committee on Judiciary decide to deliberate further on this measure, your Committee respectfully requests it consider whether a penalty of a class C felony is an appropriate penalty for a defendant who commits a new offense while released and awaiting trial for the first offense.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 464, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 464, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



GREGG TAKAYAMA, Chair



