

Honolulu, Hawaii

February 8, 2019

RE: H.B. No. 1436  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military  
Affairs, to which was referred H.B. No. 1436 entitled:

"A BILL FOR AN ACT RELATING TO PRETRIAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to reform Hawaii's criminal  
justice system by:

- (1) Requiring courts to order any person charged with a  
criminal offense to be released on personal recognizance  
or on the execution of an unsecured bond, unless the  
person is unlikely to appear for trial;
- (2) Requiring the Judiciary to establish a statewide court  
appearance reminder system for criminal cases; and
- (3) Establishing requirements for any pretrial risk  
assessment tool used by the Judiciary.

The Office of the Public Defender, American Civil Liberties  
Union of Hawai'i, IMUAlliance, O'ahu County Committee on  
Legislative Priorities of the Democratic Party of Hawai'i,  
Community Alliance on Prisons, and several concerned individuals  
supported this measure. The Department of the Prosecuting  
Attorney of the City and County of Honolulu and A.Y.S. Bail Bonds



LLC opposed this measure. The Judiciary, Department of the Attorney General, Department of Public Safety, and Hawaii Disability Rights Center offered comments.

Your Committee notes the concerns of the Department of the Attorney General that the presumptive language in the measure may adversely affect community safety and the effective administration of justice. However, your Committee believes that this measure deserves consideration and further discussion as it moves through the legislative process.

Your Committee has amended this measure by:

- (1) Deleting the requirements for any pretrial risk assessment tool used by the Judiciary; and
- (2) Changing its effective date to July 1, 2050, to encourage further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1436, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1436, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Veterans, & Military Affairs,

  
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GREG TAKAYAMA, Chair



