

CONFERENCE COMMITTEE REP. NO. 149

Honolulu, Hawaii

APR 26 , 2019

RE: H.B. No. 1552
H.D. 2
S.D. 2
C.D. 1

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1552, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure, as received by your Committee on Conference, is to:

- (1) Support best practices for an effective correctional system; and
- (2) Implement certain recommendations of the Criminal Pretrial Task Force (Task Force) convened pursuant to House Concurrent Resolution No. 134, House Draft 1, Regular Session of 2017.

HB1552 CD1 HCCR HMS 2019-4071



Specifically, this measure:

- (1) Establishes and appropriates funds for the Hawaii Correctional System Oversight Commission within the Office of the Governor;
- (2) Abolishes the Reentry Commission and Corrections Population Management Commission and transfers all rights, powers, functions, and duties of the Reentry Commission and Corrections Population Management Commission to the Hawaii Correctional System Oversight Commission;
- (3) Requires intake service centers to complete pretrial risk assessments and bail reports and provide them to the court within five working days of an offender's admission to a community correctional center and to include information on the offender's financial circumstances, executed pretrial risk assessment, and detailed information about the risk assessment in the bail report;
- (4) Establishes that a defendant has a right to a hearing concerning pre-trial release or detention at the time of the defendant's arraignment and a right to counsel at the time of the hearing;
- (5) Requires that bail shall be set at a reasonable amount and under the least restrictive conditions possible based upon all available information and that monetary bail shall be payable on a twenty-four hours a day, seven days a week basis;
- (6) Requires community correctional centers to conduct periodic reviews of pretrial detainees to assess whether the detainees should remain in custody;
- (7) Establishes and appropriates funds for a Criminal Justice Research Institute under the Office of the Chief Justice of the Hawaii Supreme Court to monitor the success of changes implemented as a result of the Task Force recommendations, conduct ongoing research on national best practices in criminal justice policy and procedure, develop outcome measures and recommend further reforms, and create a centralized statewide criminal pretrial justice data reporting and collection system;



- (8) Authorizes any court, upon a defendant's pretrial release, to order the defendant to submit to the use of electronic monitoring and surveillance or to require confinement to the defendant's residence;
- (9) Requires the Judiciary, in consultation with the Department of Public Safety, to develop and adopt a policy for determining whether a defendant's risk of non-appearance or recidivism may be mitigated by home detention or electronic monitoring;
- (10) Appropriates funds for intake service centers to provide support services to pretrial defendants released from detention on a supervised basis;
- (11) Requires intake service centers to consider victims' concerns when making pretrial release recommendations;
- (12) Requires the Department of Public Safety to submit certain reports to the Legislature; and
- (13) Appropriates funds for intake service centers in relation to their pretrial duties.

Your Committee on Conference has amended this measure by:

- (1) Placing the Hawaii Correctional System Oversight Commission within the Department of the Attorney General rather than the Office of the Governor and making conforming amendments;
- (2) Deleting the public service exemption for prospective employees of the Hawaii Correctional System Oversight Commission;
- (3) Appropriating \$158,946 for fiscal year 2019-2020 and \$330,000 for fiscal year 2020-2021 for the operations of the Hawaii Correctional System Oversight Commission;
- (4) Requiring intake service centers to complete pretrial risk assessments and bail reports and provide them to the court within three working days of an offender's admission to a community correctional center;



- (5) Clarifying that a defendant has a right to a prompt hearing concerning release or detention that occurs at the time of the defendant's arraignment, or as soon as practicable;
- (6) Establishing a statewide program that permits the posting of monetary bail twenty-four hours a day, seven days a week for defendants for whom a monetary amount of bail has been set by the police, other law enforcement agency, or the court. For defendants in custody of the Department of Public Safety, requires the Judiciary to contract with a single vendor to post bail seven days a week;
- (7) Clarifying that community correctional centers shall transmit periodic reviews of pretrial detainees by correspondence or electronically to the appropriate court, prosecuting attorney, and defense counsel;
- (8) Clarifying the Criminal Justice Research Institute's duties and functions, clarifying the Institute's Board of Directors' leadership and membership, and specifying meeting and reporting requirements;
- (9) Appropriating \$181,388 for fiscal year 2019-2020 and \$314,376 for fiscal year 2020-2021 for the establishment and staffing of the Criminal Justice Research Institute and for any necessary facilities and equipment;
- (10) Removing appropriation language for intake service centers to provide support services to pretrial defendants released from detention on a supervised basis;
- (11) Appropriating \$305,138 for fiscal year 2019-2020 and \$502,476 for fiscal year 2020-2021 for intake service centers' activities in relation to their pretrial duties;
- (12) Changing its effective date to upon approval, provided that:
 - (A) The abolishment of the Reentry Commission and Corrections Population Management Commission shall be effective on January 1, 2020;



- (B) The recommendations of the Task Force regarding pre-trial detention, bail, risk assessments, the Criminal Justice Research Institute, electronic monitoring and home detention, and victims' rights shall take effect on January 1, 2020; and
- (C) The appropriations for the Hawaii Correctional System Oversight Commission, Criminal Justice Research Institute, and intake service centers shall take effect on July 1, 2019; and


(13) Making technical, nonsubstantive amendments for clarity, consistency, and style.

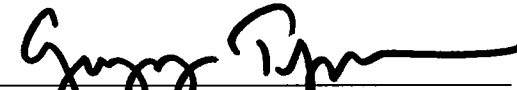
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1552, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1552, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



 CLARENCE K. NISHIHARA
 Chair


 GREGG TANAYAMA
 Co-Chair


 LAURA H. THIELEN
 Co-Chair


 CHRIS LEE
 Co-Chair


 GIL RIVIERE
 Co-Chair


 CEDRIC ASUEGA GATES
 Co-Chair


 KARL RHOADS
 Co-Chair



Hawaii State Legislature

CCR 149

Record of Votes of a
Conference Committee

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| Bill / Concurrent Resolution No.: HB 1552, HD 2, SD 2 | Date/Time: 4/26/19 2:10 PM |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

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| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
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| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
|------------------------------|----------|----------|----------|----------|-------------------------------|----------|----------|----------|----------|
| NISHIHARA, Clarence K., Chr. | ✓ | | | | TAKAYAMA, Gregg, Co-Chr. | ✓ | | | |
| THIELEN, Laura H., Co-Chr. | ✓ | | | | LEE, Chris, Co-Chr. | ✓ | | | |
| RIVIERE, Gil, Co-Chr. | ✓ | | | | GATES, Cedric Asuega, Co-Chr. | ✓ | | | |
| RHOADS, Karl, Co-Chr. | ✓ | | | | KONG, Sam Satoru | ✓ | | | |
| FEVELLA, Kurt | | | | ✓ | MCDERMOTT, Bob | ✓ | | | |
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| TOTAL | 4 | 0 | 0 | 1 | TOTAL | 5 | 0 | 0 | 0 |

A = Aye WR = Aye with Reservations N = Nay E = Excused

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| Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
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| Senate Lead Chair's or Designee's Signature: <i>Clarence K. Nishihara</i> | House Lead Chair's or Designee's Signature: <i>Gregg Takayama</i> |
|--|--|

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