

STAND. COM. REP. NO.

2188

Honolulu, Hawaii

APR 18 2019

RE: H.C.R. No. 218
S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 218 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE ESTABLISHMENT OF FAIR AND PROPORTIONAL FINES FOR CERTAIN PENALTIES IN HAWAII TO ENSURE A FAIR AND MEANINGFUL DETERRENT TO ILLEGAL BEHAVIOR FOR INDIVIDUALS ACROSS THE ECONOMIC SPECTRUM,"

begs leave to report as follows:

The purpose and intent of this measure is to request a task force to review and report on the establishment of fair and proportional fines for certain penalties in Hawaii to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum.

Your Committee received testimony in support of this measure from the Drug Policy Forum of Hawaii and one individual.

Your Committee finds that penalties for some violations and infractions in all areas of law in Hawaii tend to be flat fines, including but not limited to speeding, and negligent or reckless actions. Your Committee further finds that a flat fine often serves as a meaningful deterrent only for those to whom it has a financial impact. Your Committee additionally finds that while a fine for \$200 may serve as a meaningful deterrent to illegal behavior for an individual of average means, it may require a



significantly higher fine to serve as a meaningful deterrent to illegal behavior for a wealthy individual. This measure will request that a task force be established to review and report on the establishment of fair and proportional fines for certain penalties in Hawaii to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum.

Your Committee has amended this measure by:

- (1) Requesting the President of the Senate to designate one member of the Senate to be a member of the task force instead of specifying the chair of the Senate Committee on Judiciary;
- (2) Requesting that the report to the Legislature be submitted no later than December 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 218, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 218, S.D. 1.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 218	JDC	4/16/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
TOTAL	4	1	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes