

STAND. COM. REP. NO.

1429

Honolulu, Hawaii

MAR 19 , 2019

RE: S.B. No. 1422
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 S.B. No. 1422 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to specify that police officers have the discretion to issue citations, in lieu of making a lawful arrest without a warrant, for non-violent class C felonies, misdemeanors, petty misdemeanors, and violations if the person cited is likely to properly appear in court to answer for the offense.

The Judiciary, Office of Hawaiian Affairs, Hawai'i Health & Harm Reduction Center, The Drug Policy Forum of Hawai'i, Community Alliance on Prisons, and several concerned individuals supported this measure. The Hawaii Paroling Authority, Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, The Sex Abuse Treatment Center, Retail Merchants of Hawaii, and ABC Stores opposed this measure. The Department of the Attorney General offered comments on this measure.

Your Committee notes the concern of the Hawaii Paroling Authority that issuing a citation to appear in court to a convicted felon on probation, parole, or on a federal release

SB1422 HD1 HSCR PVM HMS 2019-3082



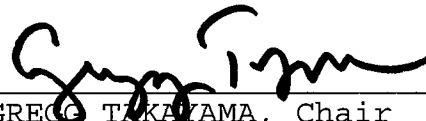
program may increase the likelihood of the individual absconding or putting the public at risk for continued victimization. However, your Committee finds that police officers have adequate procedures to perform background checks on individuals and that police will exercise cautious discretion. Should the Committee on Judiciary deliberate this measure further, your Committee on Public Safety, Veterans, & Military Affairs respectfully requests that it consider whether additional safeguards are needed on this measure.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion on this measure; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 1422, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1422, 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,



GREG TAKAYAMA, Chair



