

STAND. COM. REP. NO.

683

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1422

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

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary, to which was referred S.B. No. 1422 entitled:

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

beg leave to report as follows:

The purpose and intent 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 under certain conditions, including that the offense does not involve domestic violence, sexual assault, robbery, or any other offenses under chapter 707, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, the Drug Policy Forum of Hawai'i, Community Alliance on Prisons, Hawai'i Health and Harm Reduction Center, and three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Paroling Authority and the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committees find that section 803-6, Hawaii Revised Statutes, gives police officers the discretion to issue citations for misdemeanors, petty misdemeanors, and violations. However, police officers are reluctant to exercise this discretion. Your



Committees also find that issuing citations in lieu of arresting these non-violent offenders would free up space in police cellblocks, county jails, and courthouse holding cells without jeopardizing public safety.

Your Committees further find that citation issuance is a viable alternative to arrest for low-risk defendants who have not demonstrated a risk of non-appearance in court, while still protecting the public from the risk of further crime.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1422 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Judiciary,



KARL RHOADS, Chair

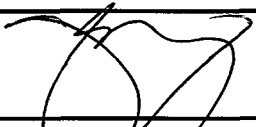


CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1422	PSM/JDC	2/8/19
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
NISHIHARA, Clarence K. (C)	✓	
WAKAI, Glenn (VC)	✓	
BAKER, Rosalyn H.	✓	
HARIMOTO, Breene	✓	
FEVELLA, Kurt		✓
TOTAL	4	0
	0	1
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

The Senate
Thirtieth Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:* SB 1422	Committee Referral: PSM/JDC	Date: 2/8/19		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes