

STAND. COM. REP. NO.

769

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1423

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. 1423 entitled:

"A BILL FOR AN ACT RELATING TO PAYMENT OF BAIL,"

beg leave to report as follows:

The purpose and intent of this measure is to allow defendants for whom a monetary amount of bail has been set to be able to pay the bail amount twenty-four hours per day, seven days per week and be released from custody upon posting or payment of bail at any time.

Your Committees received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, Community Alliance on Prisons, Democratic Socialists of Honolulu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Drug Policy Forum of Hawaii, and two individuals.

Your Committees find that in Hawaii, defendants can only post bail or bond and be released during normal business hours, which often results in defendants having to wait to make a request in court to be released or go through a bail agent to file a surety bond.

Your Committees also find that defendants who are able to post bail or bond should not be detained simply because of an



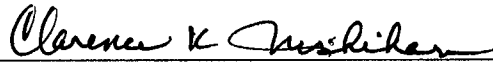
administrative barrier requiring that bail or bond be payable only during normal business days and hours. In accordance with other jurisdictions that have expanded the timeframe in which bail may be posted and defendants released, your Committees find that defendants should be allowed to pay the bail amount twenty-four hours per day and seven days per week and be released from custody upon posting or payment of bail if the defendant is not a flight risk or otherwise pose a danger to the community.

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. 1423 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 Judiciary
JDC

Bill / Resolution No.:* SB 1423	Committee Referral: DSM/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