

STAND. COM. REP. NO. 436

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1538  
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 Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 1538 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose and intent of this measure is to require monetary  
bail to be set in reasonable amounts based upon all available  
information, including the defendant's ability to afford bail.

Your Committee received testimony in support of this measure  
from the Judiciary, Department of Public Safety, Office of the  
Public Defender, Community Alliance on Prisons, IMUAlliance, O'ahu  
County Committee on Legislative Priorities of the Democratic Party  
of Hawai'i, Ho'omanapono Political Action Committee, and four  
individuals. Your Committee received testimony in opposition to  
this measure from the Honolulu Police Department. Your Committee  
received comments on this measure from the Hawaii Disability  
Rights Center.

Your Committee finds that state and county law enforcement  
officers have discretion to set the amount of bail, and the State  
does not require that the bail amount be set based on the person's  
ability to afford bail. Your Committee further finds that the  
Department of Public Safety's pretrial service officers do not  
have access to other states' data on the accused person's wages  
and tax information and, thus, it is difficult for pretrial



officers to set bail based on the person's financial circumstances and ability to afford bail.

Your Committee finds that existing law should make clear that information regarding a defendant's financial circumstances and ability to afford bail should be considered when setting bail to help ensure a fair process that allows for consideration of a person's financial circumstances on a case-by-case basis.

Your Committee has amended this measure by:

- (1) Authorizing pretrial service officers to access other state agencies' wages and tax information of accused persons for the limited purpose of setting an appropriate bail amount; and
- (2) 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1538, S.D. 1, and be referred to your Committee on Judiciary.

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

  
\_\_\_\_\_  
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.:* <b>SB1538</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>2/5/19</b>		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<del>0</del>	<del>0</del>	<del>0</del>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes