

Honolulu, Hawaii

, 2019

MAR 22

RE: S.B. No. 192  
S.D. 1  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 192, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize a defendant in custody to petition a court for unsecured bail; and
- (2) Require the court to take appropriate steps to collect the amount of an unsecured financial bond in the event that a defendant fails to appear in court or breaches any other condition of release.

The Office of Hawaiian Affairs, Office of the Public Defender, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Health & Harm Reduction Center, Hawaii Innocence Project, League of Women Voters Hawaii, Young Progressives Demanding Action, Americans for Democratic Action, Community Alliance on Prisons, Hawaii Disability Rights Center, Blueprint for Change, American Civil Liberties Union of Hawaii, and many individuals submitted testimony in support of this measure. The Crime Victim Compensation Commission, Office of the Prosecuting Attorney of the



County of Kauai, Retail Merchants of Hawaii, and Sex Abuse Treatment Center submitted testimony in opposition. The Judiciary and a concerned individual submitted comments.

Your Committee has amended this measure by:

- (1) Implementing certain recommendations of the Criminal Pretrial Task Force convened pursuant to House Concurrent Resolution No. 134, House Draft 1, Regular Session of 2017; and
- (2) Requiring the court to enter an order of forfeiture of the unsecured financial bond in the event that a defendant fails to appear in court as required or breaches any other condition of release instead of requiring the court to take appropriate steps to collect the amount from the defendant or any additional obligors.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 192, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 192, S.D. 1, H.D. 2.

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



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CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

<b>Bill/Resolution No.:</b> SB 192, SDI, HDI	<b>Committee Referral:</b> PVM, JUD, FIN	<b>Date:</b> 3/21/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.				/
6. McKELVEY, Angus L.K.	/			
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.			/	
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
<b>TOTAL (11)</b>	<b>8</b>		<b>1</b>	<b>2</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				