

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 192
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 Judiciary, to which was referred S.B. No. 192 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize a defendant in custody to petition a court for unsecured bail.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Public Defender, Hawaii Disability Rights Center, League of Women Voters of Hawaii, IMUAlliance, Community Alliance on Prisons, Hawaii Friends of Civil Rights, Americans for Democratic Action, Young Progressives Demanding Action, Hawai'i Alliance for Progressive Action, Ho'omanapono Political Action Committee, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Democratic Socialists of Honolulu, Hawai'i Innocence Project, Drug Policy Forum of Hawaii, and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Judiciary.

Your Committee finds that the cash-secured bail system unjustly disadvantages low-income individuals and their families. Your Committee further finds that individuals without the financial resources to pay the necessary amount of bail can be detained for weeks, months, or longer, and can additionally face



the loss of employment, housing, or custody of children. This measure allows the court to release a defendant from detention upon execution of an unsecured financial bond in situations in which the court determines that such a release is appropriate.

Your Committee has amended this measure by:

- (1) Requiring that 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; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 192, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB192	Committee Referral: JDC, WAM	Date: 2/7/19		
<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 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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
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 Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes