

STAND. COM. REP. NO.

434

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1421  
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. 1421 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PRETRIAL REFORM,"

begs leave to report as follows:

The purpose and intent of this measure is to implement the  
recommendations of the Criminal Pretrial Task Force that convened  
pursuant to House Concurrent Resolution No. 134, House Draft 1,  
Regular Session of 2017 (Task Force).

Your Committee received testimony in support of this measure  
from the Department of Public Safety, Judiciary, Office of  
Hawaiian Affairs, 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 seven individuals.  
Your Committee received testimony in opposition to this measure  
from the City and County of Honolulu Department of the Prosecuting  
Attorney. Your Committee received comments on this measure from  
the Department of the Attorney General, Hawaii Disability Rights  
Center, A-1 Bail Bonds.

Your Committee finds that the State's current criminal  
pretrial system can be improved based on the findings of the  
Criminal Pretrial Task Force. Some of these areas of improvement



include improving the intake process, paying special attention to victim's rights, and ensuring prompt hearings.

Your Committee further finds that this measure accomplishes many of the Task Force's recommendations but that some aspects of this measure are ambiguous and could be made clearer with multiple amendments. Your Committee also notes that the Department of Public Safety raised budgetary concerns and requests your Committee on Ways and Means to consider or address those concerns.

Your Committee has amended this measure by:

- (1) Clarifying that a copy of the pretrial bail report shall be given only to research entities with which the Department has contracted, in order to maintain confidentiality;
- (2) Clarifying that the entities responsible for conducting periodic reviews of pretrial detainees are the relevant community correctional centers, rather than intake service centers, and specifying that the frequency of the reviews shall be at least once every three months;
- (3) Requiring the Department of Public Safety to submit the validation study of the Ohio Risk Assessment System's Pretrial Assessment Tool to the Legislature in lieu of its report on progress made in revising pretrial risk assessment processes;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) 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. 1421, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1421, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



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

*Clarence K. Nishihara*

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CLARENCE K. NISHIHARA, Chair



