

STAND. COM. REP. NO.

2206

Honolulu, Hawaii

, 2019

APR 05

RE: S.B. No. 1422  
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. 1422, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to specify that police officers have the discretion to issue citations, in lieu of making a lawful arrest without a warrant, for nonviolent class C felonies, misdemeanors, petty misdemeanors, and violations subject to certain findings by the officer, including a finding that the offense does not involve domestic violence, sexual assault, robbery, or any other offense against the person.

The Judiciary, Office of Hawaiian Affairs, Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, The Drug Policy Forum of Hawai'i, and several individuals testified in support of this measure. The Hawaii Paroling Authority, City and County of Honolulu Department of the Prosecuting Attorney, and Sex Abuse Treatment Center testified in opposition to this measure. The Department of the Attorney General, Hawaii Chapter of Mothers Against Drunk Driving, and an individual provided comments.

SB1422 HD2 HSCR JUD HMS 2019-3700



Your Committee has amended this measure by:

- (1) Expanding the list of offenses for which a citation, in lieu of making an arrest, may not be issued to include operating a vehicle while under the influence of an intoxicant, habitually operating a vehicle while under the influence of an intoxicant, solicitation of a minor for prostitution, aggravated harassment by stalking, and theft in the second degree; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 1422, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1422, H.D. 2.

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



CHRIS LEE, Chair



**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> SB 1422, HD 1	<b>Committee Referral:</b> PVM, JUD	<b>Date:</b> 4/2/19		
<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>	8	1		2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				