

STAND. COM. REP. NO. 759

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 1260
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1260 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:

- (1) Eliminate the use of monetary bail and require defendants to be released on their own recognizance for traffic offenses, violations, and nonviolent petty misdemeanor and misdemeanor offenses, with certain exceptions; and
- (2) Create rebuttable presumptions regarding release and detention for certain offenses and specify circumstances in which these presumptions apply.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of Hawaiian Affairs; Hawai'i Correctional System Oversight Commission; Office of the Prosecuting Attorney of the County of Kaua'i; Maui Office of the Public Defender; Hawai'i Health & Harm Reduction Center; Common Cause Hawaii; We Are One, Inc.; Pono Hawai'i Initiative; Young Progressives Demanding Action; Imua Alliance; Community Alliance on Prisons; United Public Workers, AFSCME Local 646, AFL-CIO; Hawai'i Association of Criminal Defense Attorneys; League of Women



Voters; one member of the Kaua'i County Council; and ninety individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Retail Merchants of Hawai'i. Your Committee received comments on this measure from the American Civil Liberties Union of Hawai'i and Hawai'i Disability Rights Center.

Your Committee finds that there is a need to address the substantial and continued overcrowding of facilities used to house pretrial defendants through the adoption of certain recommendations made by the criminal pretrial task force regarding pretrial detention and release. Your Committee further finds that although several recommendations of the Judiciary's Criminal Pretrial Task Force established pursuant to House Concurrent Resolution No. 134, H.D. 1 (2017) were enacted by Act 179, Session Laws of Hawaii 2019 (Act 179), two critical recommendations were not included. These recommendations would substantially change the process for pretrial determinations and would offer the greatest potential to maximize pretrial release. This measure implements certain recommendations of the criminal pretrial task force that were accompanied by proposed legislation authored by the task force but not adopted in Act 179.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, to encourage further discussion; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1260, S.D. 1, and be placed on the calendar for Third Reading.



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



KARL RHOADS, Chair



