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Honolulu, Hawaii

APR 2 2 2021

RE: S.B. No. 413

S.D. 1

H.D. 1

C.D. 1

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

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 413, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to exclude violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee on Conference finds that under existing law a defendant may request a deferral of their criminal charges under certain circumstances. The trial court, after considering the merits of the case, and hearing argument from the prosecutor, may grant a deferral of the proceedings, only if the trial court finds that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and welfare of

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society do not require that the defendant suffer the penalty imposed by law. Your Committee on Conference further finds that due to the serious nature of certain privacy violations involving other people's intimate activities, private communications, or intimate areas of the body, without consent, deferred pleas should not be available for those offenses.

Your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 413, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 413, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

KARL RHOADS Chair

SCOT Z. MARAYOSHI Chair

Hawai'i State Legislature

CCR 15

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 413, SD 1, HD 1				Date/Time: 4/19/2011 7:	ISPΛ	1			
The recommendation of the House and Senate managers is to pass with amendments (CD).									
The Committee is reconsidering its previous decision.									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure				The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	WR	N	E	House Managers	A	WR	N	Е
RHOADS, Karl, Chr.					MATAYOSHI, Scot Z., Chr.	/			
GABBARD, Mike	1				TODD, Chris	/			
KIM, Donna Mercado	/				WARD, Gene				
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TOTAL	3	0	0	0	TOTAL	3	Q	Ø	Q
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:				House Recommendation is:				_	
Adopted Not Adopted					Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:				House Lead Chair's or Designee's Signature:					
Distribution: Original					Yellow Pink Goldenrod				
File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency									