

Honolulu, Hawaii

MAR 03 , 2022

RE: H.B. No. 2074  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2074 entitled:

"A BILL FOR AN ACT RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE,"

begs leave to report as follows:

The purpose of this measure is to clarify that defendants shall not apply credit for time served on a felony conviction toward the sentence imposed for a subsequent unrelated conviction.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Public Safety, and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that Act 50, Session Laws of Hawaii 2012 (Act 50), was enacted to prevent a defendant from earning credit for time served for a subsequent crime while the defendant is serving a sentence of imprisonment for a separate unrelated offense. However, the Hawaii Supreme Court held in *State v. Abihai*, 146 Hawaii 398, 463 P.3d 1055 (2020), that a defendant was still entitled to presentence detention credit under Hawaii law for the period of time the defendant was simultaneously being detained for a separate unrelated felony conviction and a



subsequent offense. This measure clarifies the intent of Act 50 by specifying that certain defendants shall not earn credit on a sentence imposed for a subsequent unrelated conviction for time being served on a previous felony conviction.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2222, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2074, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2074, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



