

Honolulu, Hawaii

FEB 10 , 2022

RE: H.B. No. 2117
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 Corrections, Military, & Veterans, to which was referred H.B. No. 2117 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CODE OF MILITARY JUSTICE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Provide a comprehensive law setting forth military judicial procedures, which will apply to all members of the State's military forces while they are not in federal service; and
- (2) Repeal the existing Hawaii Code of Military Justice, which was enacted in 1982.

Your Committee received testimony in support of this measure from the Department of Defense. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that this measure is based on the Uniform Code of Military Justice as contained in Title 10 United States Code Sections 801 et seq., and the Model State Code of Military Justice that was proposed by the American Bar Association in 2005.



Your Committee further finds that this measure contains provisions relating to apprehension, restraint, and confinement of suspects; punishable offenses; non-judicial punishment; and state courts-martial. This measure also provides for the right of appeal through a civilian court process.

Your Committee has amended this measure by:

- (1) Deleting a restriction on the appellate courts' inherent judicial powers to completely review matters that come properly before the courts;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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 Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2117, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2117, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,


TAKASHI OHNO, Chair



