

STAND. COM. REP. NO. 955 -22

Honolulu, Hawaii
, 2022

MAR 04

RE: H.B. No. 2344
H.D. 2

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. 2344, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose of this measure is to reform probation procedures by:

- (1) Requiring probation officers to conduct formal reviews of a defendant's progress halfway through the defendant's period of probation and provide information on how to file a motion for early termination of probation; and
- (2) Giving probation officers or law enforcement officers who have probable cause to believe a defendant has failed to comply with a discretionary condition of probation the discretion to issue the defendant a written notice of a court hearing.

Your Committee received testimony in support of this measure from ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Judiciary, Office of the Public Defender, Department of the Prosecuting Attorney of the



City and County of Honolulu, Community Alliance on Prisons, and American Civil Liberties Union of Hawai'i.

Your Committee finds that technical violations of probation and parole account for approximately a quarter of all jail and prison admissions in Hawaii on a weekly basis. These admissions are costly for the State and interfere with employment, housing, health care, child custody, and other life opportunities, negatively impacting families and communities. This measure attempts to mitigate these negative impacts by introducing certain probation reform procedures that will assist probationers and provide a less disruptive process for handling alleged violations of discretionary conditions of probation.

Your Committee has amended this measure by 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. 2344, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2344, H.D. 2.

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



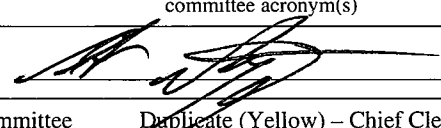
MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSE 2955-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: HB 2344, HD1 | Committee Referral: CMV, JHA | Date: 2-25-22 | | |
|--|--|-------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <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) | | | | |
| JHA Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. NAKASHIMA, Mark M. (C) | ✓ | | | |
| 2. MATAYOSHI, Scot Z. (VC) | ✓ | | | |
| 3. ICHIYAMA, Linda | ✓ | | | |
| 4. KOBAYASHI, Dale T. | ✓ | | | |
| 5. LoPRESTI, Matthew S. | ✓ | | | |
| 6. LOWEN, Nicole E. | ✓ | | | |
| 7. McKELVEY, Angus L.K. | ✓ | | | |
| 8. NAKAMURA, Nadine K. | | | | ✓ |
| 9. TAKUMI, Roy M. | ✓ | | | |
| 10. TOKIOKA, James Kunane | ✓ | | | |
| 11. WARD, Gene | ✓ | | | |
| TOTAL (11) | 10 | 0 | 0 | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small> | | | | |
| Vice Chair's or designee's signature:  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |