

STAND. COM. REP. NO. 3317

Honolulu, Hawaii

MAR 22 2022

RE: H.B. No. 2344
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2344, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

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

- (1) Requiring a probation officer to conduct a formal review of a defendant's progress halfway through the defendant's period of probation and provide the defendant information on how to file a motion with the court for early termination of probation, if the defendant so chooses; and
- (2) Giving a probation or law enforcement officer who has 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 that states the defendant's alleged violation and the date, time, location, and purpose of the hearing.



Your Committee received testimony in support of this measure from the Judiciary, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Hawai'i Health & Harm Reduction Center, Hawai'i Friends of Restorative Justice, and fifteen individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Office of the Public Defender and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that reducing the number of people on supervision can allow agencies to direct resources where they can have the biggest impact on public safety. Research has shown that when officers have smaller caseloads and implement evidence-based practices, it can reduce recidivism. Your Committee further finds that research also shows that offering people the opportunity to reduce their sentences via earned time credits encourages compliance and increases successful outcomes without compromising public safety, especially if the incentive is perceived as significant, such as receiving fifteen to thirty days off a sentence for each month of compliance. Currently, sixteen states have statutes that allow for earned time credits on probation supervision. States such as Alaska, Arkansas, Delaware, Missouri, and Utah have "thirty for thirty" policies, in which the person on probation gets thirty days of credit for thirty days of compliance with probation conditions. This measure will save taxpayer dollars and promote community safety by improving the probation system in the State.

Your Committee has amended this measure by:

- (1) Re-inserting a good time credit system, by which a defendant on probation may reduce the defendant's sentence through compliance with conditions of probation, which was removed by the House of Representatives;
- (2) Requiring the probation officer to submit a report after the formal review of the defendant to the presiding or sentencing judge justifying why the defendant continues to need supervision on probation;



- (3) Restricting review and early termination of probation to cases not involving offenses under chapter 134, chapter 707, section 586-4, section 586-11, or section 707-906, Hawaii Revised Statutes;
- (4) Reinstating and defining the term "technical violation", which was removed by the House of Representatives;
- (5) Requiring a written notice rather than a bench warrant and arrest when a technical violation has occurred;
- (6) Amending section 1 to reflect its amended purpose; and
- (7) 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2344, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2344, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

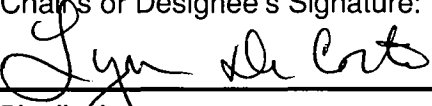
Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2344, HD2	PSM, JDC	3/17/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes