

STAND. COM. REP. NO. 2169

Honolulu, Hawaii

FEB 09 2022

RE: S.B. No. 2514
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 S.B. No. 2514 entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create a good time credit system, by which a defendant on probation may reduce the defendant's sentence through compliance with conditions of probation;
- (2) Provide that a condition of probation that prohibits unnecessary associations may only apply with respect to certain persons having a connection to the defendant's underlying crime or the prosecution of the crime;
- (3) Provide that a condition of probation that prohibits the possession or use of alcohol or unauthorized drugs may only be imposed if it is reasonably related to the crime for which the defendant was convicted;
- (4) Provide that substance abuse treatment shall not be required of a defendant on probation if a program is not in the county of the defendant's residence and if the defendant has not been accepted into the program; and



(5) Prohibit incarceration for certain technical violations.

Your Committee received testimony in support of this measure from the Hawai'i Correctional System Oversight Commission, Office of the Public Defender, Pearl City Neighborhood Board, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Hawai'i Health & Harm Reduction Center, Waikiki Health's Pu'uhonua Prison Program, Faith Action for Community Equity, Share Your Mana, Hawai'i Friends of Restorative Justice, and sixteen individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Judiciary, and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that existing state laws relating to certain violations of community supervision are resulting in unnecessary, counterproductive, skyrocketing rates of incarceration and severe overcrowding in local jails and prisons. In 2018, more than twenty-eight thousand Hawaii residents were incarcerated or under some form of probation, parole, or other form of community supervision. Based on weekly population reports, typically one-fourth of all jail and prison admissions in Hawaii are the result of probation or parole technical violations, which are violations of the terms of legal supervision, other than the commission of certain crimes. This measure will improve the probation system in Hawaii and reduce incarceration rates by offering good time credits to individuals who successfully follow conditions and prohibiting the use of certain unreasonable conditions of probation, including restrictions on association with individuals who have a criminal record and penalties for drug or alcohol use when it is unrelated to the crime of conviction.

Your Committee has amended this measure by 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 S.B. No. 2514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2514, 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,

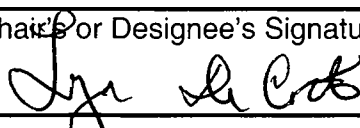
Clarence K Nishihara

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:		
SB 2514	PSM, JDC	2/3/2022		
<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 checked="" 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	3	1	0	1
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