

Honolulu, Hawaii
, 2024

APR 03

RE: S.B. No. 2347
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2347 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to establish the Offense of Habitual Violent Misdemeanor Crime for the prosecution of persons who are convicted of three or more violent misdemeanors within five years and to be categorized as a class C felony.

Your Committee received testimony in support of this measure from the Department of Corrections and Rehabilitation; Department of Law Enforcement; Honolulu Police Department; Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney of the County of Hawai'i; Waikiki Neighborhood Board No. 9; Waikiki Improvement Association; The Institute for Human Services, Inc.; Chamber of Commerce Hawaii; Hawai'i Lodging & Tourism Association; ABC Stores; and numerous individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender; Community Alliance on Prisons; Reimagining Public Safety in Hawai'i Coalition; American Civil Liberties Union of Hawai'i; and nine individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.



Your Committee finds that a pattern of conviction for intentional, habitual violent behavior correlates to a likelihood of similar repeat offenses in the future. Your Committee further finds that repeat violent offenders pose a danger to the community. This measure establishes an offense for persons who habitually commit violent offenses.

Your Committee has amended this measure by:

- (1) Amending the Offense of Habitual Violent Misdemeanor Crime as follows:
 - (A) Renaming the offense to the Offense of Habitual Violent Crime;
 - (B) Including Abuse of a Family or Household Member in the list of instant offenses that triggers a habitual violent crime perpetrator to be charged for Offense of Habitual Violent Crime;
 - (C) Expanding the list of offenses for which prior convictions would categorize a person as a habitual violent crime perpetrator; and
 - (D) Specifying that a sentence of the Offense of Habitual Violent Crime is to be either an indeterminate term of imprisonment of five years with a minimum term of imprisonment of no less than one year or, for first convictions, a term of probation of five years with conditions to include one year of imprisonment;
- (2) Requiring the Department of the Attorney General to submit an annual report to the Legislature before the Regular Sessions of 2025 and 2026;
- (3) Requiring the prosecuting attorney of each county to provide the Department of the Attorney General with the data necessary to complete the annual report;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion;
- (5) Inserting a sunset date of June 30, 2026; and



- (6) 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 S.B. No. 2347, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2347, 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,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HB 1635-24

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <i>SB 2347</i>	Committee Referral: <i>JHA</i>	Date: <i>3.28.24</i>		
<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. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)		✓		
3. EVSLIN, Luke A.	✓			
4. GANADEN, Sonny			✓	
5. HOLT, Daniel	✓			
6. ICHIYAMA, Linda				✓
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIYAKE, Tyson K.	✓			
10. SOUZA, Kanani		✓		
TOTAL (10)	<i>6</i>	<i>2</i> ^{BT}	<i>1</i>	<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>Greggor Ilagan</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				