

Honolulu, Hawaii
, 2024

FEB 29

RE: H.B. No. 1602
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 H.B. No. 1602 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE REFORM,"

begs leave to report as follows:

The purpose of this measure is to authorize a forty-eight-hour grace period after a missed initial court appearance.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Democratic Party of Hawai'i; Policing Project at NYU School of Law; Opportunity Youth Action Hawaii; Community Alliance on Prisons; American Civil Liberties Union of Hawai'i; Hawai'i Health & Harm Reduction Center; Drug Policy Forum of Hawaii; and two individuals. Your Committee received testimony in opposition to this measure from the Judiciary; State of Hawaii Organization of Police Officers; and one individual.

Your Committee finds that persons accused of committing a crime are required to make an initial appearance in court, and that the failure to appear in court results in the issuance of an arrest warrant. Your Committee notes that arrests consume a significant portion of limited police resources, increase the number of persons held in custody before trial, and contribute to overcrowding in correctional facilities. Your Committee further

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notes that many factors may cause a person to fail to appear in court and does not necessarily include malicious intent. This measure provides a forty-eight-hour grace period after a missed initial court appearance before an arrest warrant is issued to account for understandable absences.

Your Committee has amended this measure by:

- (1) Deleting language that would have allowed a person to voluntarily appear in court during the grace period without the need to provide advance notice;
- (2) Allowing the person's attorney or the person, if the person is not represented by counsel, to contact the court during the grace period to request that the initial appearance be reset on the court's calendar without the issuance of the warrant;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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. 1602, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1602, 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



