

Honolulu, Hawaii

APR 04 2024

RE: H.B. No. 1604
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1604, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the court to order substance abuse assessment and treatment of a defendant before trial; and
- (2) Prohibit the revocation of parole or arrest of a parolee solely due to the parolee having one positive test for drug use.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Public Defender, Community Alliance on Prisons, Hawaii Substance Abuse Coalition, Democratic Party of Hawai'i, Opportunity Youth Action Hawai'i, ACLU of Hawai'i, and five individuals.

Your Committee received testimony in opposition to this measure from the Hawaii Paroling Authority, Department of the Prosecuting Attorney of the City and County of Honolulu, and four individuals.



Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that many individuals facing criminal charges also struggle with substance abuse. However, the use of alcohol and illicit substances by parolees is often rooted in complex issues of addiction, rather than a deliberate choice to disregard the law or terms of parole. Additionally, treatment and support for substance abuse have been shown to be more cost-effective and beneficial to society than incarceration. Your Committee believes that subjecting a parolee to arrest and potential revocation of community supervision is disruptive to their overall efforts and progress in re-integrating into their community. This measure will allow people to receive necessary treatment early on and reduce the long-term impacts of untreated substance abuse.

Your Committee has amended this measure by:

- (1) Requiring any substance abuse assessment and necessary treatment be commenced within seven days of a court order issued prior to trial;
- (2) Adding as a basis that a parolee's parole may not be revoked or forfeited solely due to the parolee having one positive test for alcohol use;
- (3) Inserting an effective date of April 14, 2112, to encourage further discussion;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1604, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1604, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



