

Honolulu, Hawaii

FEB 29, 2024

RE: H.B. No. 1604
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. 1604 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the court, at any time before trial, to order the defendant to undergo a substance abuse assessment and participate in any necessary treatment; and
- (2) Prohibit the arrest of a parolee, or the revocation of parole, 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 the Public Defender; Community Alliance on Prisons; Democratic Party of Hawai'i; Hawaii Substance Abuse Coalition; Opportunity Youth Action Hawai'i; American Civil Liberties Union of Hawai'i; Hawai'i Health & Harm Reduction Center; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Paroling Authority; Office of the Prosecuting Attorney of the County of Kaua'i; Department of the Prosecuting Attorney of the City and County of Honolulu; and three individuals.



Your Committee finds that a significant number of people charged with crimes struggle with drug addiction. Additionally, certain violations of community supervision have resulted in skyrocketing rates of incarceration and severe overcrowding in state correctional facilities, which have proven costly to the State. This measure focuses on getting defendants into community-based treatment programs that more effectively reduce recidivism, as well as allowing more flexibility when it comes to monitoring drug use.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) 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. 1604, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1604, 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



