

STAND. COM. REP. NO.

727

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 1247  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1247 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEEDINGS,"

begs leave to report as follows:

The purpose of this measure is to provide immediate judicial review of orders fixing minimum terms of imprisonment.

Your Committee received testimony in support of this measure from the Office of the Public Defender. Your Committee received testimony in opposition to this measure from the Judiciary and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that the Judiciary raised several concerns regarding the provisions of the measure, as it amounted to an automatic review of all Hawaii Paroling Authority minimum term decisions. The Judiciary provided an alternative suggestion to alleviate its concerns and ensure the overall purpose of this measure, which is to confer the right to counsel for a judicial review of the minimum term proceedings.

Accordingly, your Committee has amended this measure by:

2025-1670 HB1247 HD1 HSCR HMSO



- (1) Deleting language that would have required a sentencing court to maintain records of criminal proceedings that lead to incarceration for ninety days after the issuance of a decision;
- (2) Deleting language that would have provided for the immediate judicial review of orders fixing minimum terms of imprisonment and instead inserting language that:
  - (A) Requires prisoners to continue to be represented by counsel in any petition challenging minimum term proceedings;
  - (B) Requires the Supreme Court to establish rules regarding the form and content of the petition challenging minimum term proceedings, the parties, and hearings on the motion, and the referral to the public defender where necessary; and
  - (C) Establishes grounds for challenging a minimum term order;
- (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.

Your Committee notes that the Judiciary has requested an effective date of June 30, 2026, to permit the Judiciary time to promulgate rules to effectuate the provisions of this measure.

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. 1247, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1247, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



