STAND. COM. REP. NO. 3186

Honolulu, Hawaii

MAR 3 1 2006

RE: H.B. No. 771

H.D. 1 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 771, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to provide that repeat sexual offenders who have been convicted on two prior and separate occasions for an offense under section 707-730, 707-731, 707-732, or 707-733.5 shall be placed on lifetime parole upon release from prison.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender. The Hawaii Paroling Authority submitted comments on this measure.

Your Committee finds that there may be practical problems in requiring the lifetime parole of repeat sexual offenders and that more discussion is needed on this issue.

Your Committee has amended this measure to:

(1) Allow repeat sexual offenders placed on lifetime parole to have the right to initiate a special proceeding to challenge the applicability of lifetime parole, in accordance with testimony received from the Office of the Public Defender; and (2) Change the effective date from July 1, 2020, to July 1, 2050, to allow for further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 771, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 771, 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 and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Referral:		Date:	Date:		
HB 771 HD1	JHW		3	3-21-06		
The committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is to:				-		
Pass, unamended Pass, with amendments (2312) (2311)			Hold Recommit (2310) (2313)			
Members		Ayes	Ayes(WR)	Nays	Excused	
HANABUSA, Colleen (C)						
HEE, Clayton (VC)		/				
CHUN OAKLAND, Suzanne						
ENGLISH, J. Kalani						
IHARA, Jr., Les						
WHALEN, Paul						
		-				
The state of the						
TOTAL		6	0	0	0	
Recommendation:						
			Not Adopted			
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

^{*}Do <u>not</u> list more than one measure per Record of Votes.