STAND. COM. REP. NO. 3549

Honolulu, Hawaii

APR 11 2006 RE: S.C.R. No. 89 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 S.C.R. No. 89 entitled:

"SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE THE ISSUE OF CHANGES TO THE HAWAII PENAL CODE FOR THE SENTENCING OF REPEAT OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to convene a task force to examine the issue of changes to the Hawaii Penal Code for the sentencing of repeat offenders.

Your Committee received testimony in support of this measure from the Department of the Attorney General (Attorney General) and the Department of the Prosecuting Attorney for the City and County of Honolulu.

During the 2006 Regular Session, a measure was introduced which sought to:

- (1) Expand the types of offenses subject to higher maximum terms for repeat offenders;
- (2) Change the method of calculating the period of eligibility of repeat offender sentencing; and
- (3) Add twenty class B and class C felonies to the list of offenses for which a deferred acceptance of plea (DAG or DANC) is not permitted.

2006-2329SCR SSCR SMA.doc

Your Committee finds that these proposed changes to the Hawaii Penal Code may have serious implications and that such significant changes require further in-depth review and examination through a task force study.

Your Committee has amended this measure in accordance with the testimony received from the Attorney General to explicitly state that this resolution does not require the task force to examine Hawaii's three strikes law. The Attorney General wished to make clear that this resolution is not to be used to "backdoor" any additional amendments to the three strikes law.

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 concurs with the intent and purpose of S.C.R. No. 89, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 89, S.D. 1.

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:		l	Date:		
SCR 89	JHW		3-24-06			
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)		1				
HEE, Clayton (VC)						
CHUN OAKLAND, Suzanne						
ENGLISH, J. Kalani	7.					
IHARA, Jr., Les						
WHALEN, Paul						
A Committee of the Comm					This are the an account the large constitute.	
TOTAL		5	0	0	1	
Recommendation:  Adopted  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						

<sup>\*</sup>Do <u>not</u> list more than one measure per Record of Votes.