



The Senate  
State of Hawaii

STATE CAPITOL  
HONOLULU, HAWAII 96813  
March 20, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs  
FROM: Sen. Colleen Hanabusa, Chair  
SUBJECT: Chair's inclinations for decision making on Tuesday, March 21, 9:00 a.m.

**The following measure was previously heard on Monday, March 13:**

Bill NO.	Description	Referral
HB 2277 HD2 (HSCR742-06)	<p>MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.</p> <p>Provides for the authorization and payment of claims against the State for judgments, settlements, and other miscellaneous payments. (HB2277 HD2)</p> <p><b>Chair's inclination: SD1</b> – Amend in accordance with testimony received from the Attorney General to: 1) Incorporate nine (9) new claims resolved for an additional \$762,011.11; 2) Change the estimated costs and interest amount for the <u>Kamalu v. Paren, et al.</u> claim from \$1,273,945.21 to \$1,702,327.87; 3) Add a new section 3 to Part II of the bill inserting a claim against the Department of Land and Natural Resources for \$25,000 to be expended from the special land and development fund; and 4) Add another claim for an additional \$2.3 million for settlement of a class action lawsuit against HCDCH that the Attorney General testified is in the process of settling and requested this Committee to review the proposed language pertaining to this settlement prior to passage to WAM.</p>	JHW, WAM

**The following measures were previously heard on Wednesday, March 15:**

Bill NO.	Description	Referral
HB 2897 HD1 (HSCR674-06)	<p>RELATING TO APPELLATE JURISDICTION.</p> <p>Changes sunrise date of Act 202, Session Laws of Hawaii 2004, relating to appellate jurisdiction, which makes numerous changes concerning appellate courts, from 7/1/06 to 7/1/2096. (HB2897 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend to change the sunrise date of Act 202, Session Laws of Hawaii 2004, relating to appellate jurisdiction, which makes numerous changes concerning appellate courts, from 7/1/2096 to 1/1/2007.</p>	JHW

<p>HB 3016 HD1 (HSCR817-06)</p>	<p>RELATING TO UNSERVED ARREST WARRANTS.</p> <p>Provides amnesty from prosecution or license suspension or revocation for minor traffic offenses when those offenses are pending at a time when the offender is sentenced to prison. Provides that the Judicial Council shall conduct a review of the backlog of arrest warrants. (HB3016 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend to 1) Delete the amnesty program for traffic offenses committed by a person who has been sentenced to prison for a felony; 2) Add a new section to chapter 604 that in any criminal proceeding, the court shall use due diligence in serving any outstanding traffic warrants on the defendant; 3) Add a new section to chapter 353 requiring the Hawaii paroling authority in the event of suspension or revocation of parole to inform the court of all outstanding traffic warrants issued against the parolee so that warrants may be served on the parolee in a timely manner; and 4) Combine the two sections requiring the judicial council, through a review committee, to conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the state's correctional facilities and the entire backlog of unserved arrest warrants and recommend to the legislature action necessary so these warrants will be served without further delay.</p>	<p>JHW</p>
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**The following measures were previously heard on Friday, March 17:**

Bill NO.	Description	Referral
<p>HB 771 HD1 (HSCR769)</p>	<p>RELATING TO SEXUAL OFFENDERS.</p> <p>Provides 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. (HB771 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend 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.</p>	<p>JHW</p>
<p>HB 877 HD2 (HSCR766)</p>	<p>RELATING TO CRIME.</p> <p>Separates the multiple offenses of varying severity currently found in section 134-6, HRS, relating to firearms and ammunition into separate sections to assist in accurate record keeping and setting of bail. Adds related class B and C felonies to the list of offenses for which criminal charges may be instituted by written information. (HB877 HD2)</p> <p><b>Chair's inclination: SD1</b> – Technical, non-substantive amendments.</p>	<p>JHW</p>
<p>HB 1171 HD1 (HSCR770)</p>	<p>RELATING TO CRIMINAL IMPERSONATION.</p> <p>Establishes the offense of criminal impersonation, making it a petty misdemeanor to impersonate another person. (HB1171 HD1)</p> <p><b>Chair's inclination: Hold.</b> The Committee only received testimony in opposition from the Office of the Public Defender on this bill.</p>	<p>JHW</p>

HB 1738 HD1 (HSCR754)	RELATING TO COMMUNITY RESTITUTION. Changes the term "community service" to "community restitution". (HB1738 HD1) <b>Chair's inclination: Hold.</b> The Committee didn't receive any testimony on this bill.	JHW
HB 1746 HD1 (HSCR793)	RELATING TO ELECTIONS. Requires office of elections to establish a vote-by-mail pilot program. (HB1746 HD1) <b>Chair's inclination: Hold.</b> The Committee received comments and testimony in opposition to this bill.	JHW, WAM
HB 1756 HD2 (HSCR823)	RELATING TO PROBATE. Requires an attorney preparing a will or trust who has been named to serve as a personal representative or a trustee, and who anticipates being paid to serve, to disclose in writing to the testator or trustor that the attorney anticipates being paid to serve as personal representative or trustee, and the method by which compensation will be determined. Effective date January 1, 2050. (HB1756 HD2) <b>Chair's inclination: Hold.</b> The Committee received only comments on this bill.	JHW
HB 2780 HD1 (HSCR647-06)	RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS. Allows a person sentenced prior to 7/01/04, pursuant to HRS §706-622.5, for a first-time drug offense, who has completed a drug treatment and complied with terms set by the court, to apply for expungement of the record of conviction. (HB2780 HD1) <b>Chair's inclination: SD1</b> – Technical, non-substantive amendments.	JHW

**The following measures were previously heard on Friday, March 17 at 1:15 p.m.:**

Bill NO.	Description	Referral
HB 439 HD1 (HSCR152-06)	RELATING TO THE OFFICE OF THE OMBUDSMAN. Authorizes the ombudsman or an authorized representative to obtain state tax returns and return information in connection with the official duties of the office of the ombudsman. Effective 1/1/2096. (HB439 HD1) <b>Chair's inclination: SD1</b> – Amend to: 1) make technical, non-substantive amendments and 2) change the effective date from January 1, 2096 to July 1, 2006. Since TGO was the lead committee for this bill, copies of the proposed draft will not be available.	TGO/JHW, WAM
HB 2778 HD2 (HSCR898-06)	RELATING TO LANGUAGE ACCESS. Provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. (HB2778 HD2) <b>Chair's inclination: SD1</b> – Amend to incorporate the agreement reached between state agencies and the proponents by 1) Deleting section 3 of the bill and 2) Changing the effective date from July 1, 2096 to upon approval provided that the appropriation will be effective July 1, 2006. Since TGO was the lead committee for this bill, copies of the proposed draft will not be available.	TGO/JHW, WAM

**The following measures were previously heard on Monday, March 20:**

Bill NO.	Description	Referral
HB 2051 HD1 (HSCR926-06)	<p>RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING.</p> <p>Establishes offenses related to human trafficking and provides related definitions. Provides victims of trafficking a defense to certain offenses that they may have been forced to commit. Makes trafficking victims eligible for crime victim compensation funds. Requires attorney general to report to legislature annually regarding human trafficking. Establishes task force to compile and review law and information from other states regarding support for victims of human trafficking and to recommend changes to Hawaii law and programs. (HB2051 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend in accordance with the testimony submitted by the Attorney General to: 1) Require the Attorney General to work with the Existing Hawaii Anti-Trafficking Task Force to expand its membership and the role of the task force; 2) Require the anti-trafficking task force be comprised of the Attorney General or the Attorney General's designee; 3) Modify section 7(c) to allow the task force to seek any federal grant that may become available and help the task force accomplish its activities; and 4) Make technical, non-substantive amendments.</p>	JHW, WAM
HB 2204 HD2 (HSCR918-06)	<p>RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.</p> <p>Establishes the amount of interim revenue to be expended by OHA each fiscal year beginning with fiscal year 2005-2006, to better the conditions of native Hawaiians at \$15,100,000. Appropriates \$17,500,000 as the amount of revenues owed to OHA for the underpayment of OHA's pro rata portion of the public land trust between July 1, 2001 and June 30, 2005. Requires DLNR to provide an accounting of revenues from the public land trust. (HB2204 HD2)</p> <p><b>Chair's inclination: SD1</b> – Amend to 1) Insert an additional sentence at the end of section 3 to provide that the governor is expressly authorized to fix the amounts each agency shall transfer to OHA in each quarter by executive order to implement the provisions of this section in accordance with testimony received from the Attorney General; 2) Ensure that OHA be consulted by DLNR in determining the method in which the accounting of all receipts from lands described in section 5(f) of the Admission Act be conducted; 3) Allow for OHA to provide funds for the accounting only after monies appropriated to DLNR are expended up to a total of \$250,000; and 4) Change the effective date from July 1, 2020 to June 1, 2006.</p>	JHW, WAM
HB 2595 HD1 (HSCR727-06)	<p>RELATING TO FAMILY VISITS.</p> <p>Restricts the department of public safety from canceling pre-approved and pre-scheduled family visits with inmates. (HB2595 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend to: 1) Specify that pre-approved and pre-scheduled visits for which family members have incurred substantial costs shall not be cancelled due to staff absenteeism or any non-emergency situation; 2) Provide that in the event that there are insufficient numbers of security staff available to maintain the safety of the facility, these visits shall be conducted in a non-contact setting.; 3) Insert a blank appropriation amount to allow PSD to retrofit with non-contact visitation areas; and 4) Change the effective date from July 1, 2020 to July 1, 2006.</p>	JHW, WAM

<p>HB 2705 HD1 (HSCR673-06)</p>	<p>RELATING TO OUTDOOR ADVERTISING.</p> <p>Establishes conditions under which signs expressing a viewpoint on any issue or on any candidate for election may be displayed on residential property. (HB2705 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend in accordance with the testimony submitted by the Attorney General to make the restrictions on the size limitations apply to all exceptions under HRS section 445-112 and make technical non-substantive amendments.</p>	<p>JHW</p>
<p>HB 3101 HD1 (HSCR675-06)</p>	<p>RELATING TO CAMPAIGN SPENDING.</p> <p>Establishes reporting conditions and penalties for failure to file or correct reports. Exempts accounting services by treasurer and deputy treasurer from definitions of "contributions" and "expenditures". Adds aggregate contribution limit of \$25,000 by any one person to any number of candidates. Includes loans in definition of "contributions." Removes exemption of immediate family from contribution limit. Requires advertisements to include name and address of payor on advertisements and envelopes. Deletes prohibition of solicitation of contributions by contractors. Establishes conditions under which 2 or more corporations are treated as 1 person for the purposes of campaign contribution limits. (HB3101 HD1)</p> <p><b>Chair's inclination: SD1</b> – Amend to: 1) clarify the advertising requirements under HRS section 11-215 in accordance with the testimony submitted by the Campaign Spending Commission; 2) re-insert the exemption for loans made by a financial institution in the ordinary course of business; 3) re-insert the exemption for family member contributions; 4) delete section 8 to retain existing law that a loan is not a campaign contribution; and 5) make technical, non-substantive amendments.</p>	<p>JHW</p>
<p>HB 3250 HD1 (HSCR650-06)</p>	<p>RELATING TO SUPERSEDEAS BONDS.</p> <p>Limits the amount of any supersedeas bond, except bonds posted by tobacco master settlement agreement signatories and their successors and affiliates, that may be required to stay execution of a judgment on a civil case pending appeal. Permits court to set the bond up to the total amount of the judgment if appellant dissipates assets during pendency of appeal to avoid paying the judgment. (HB3250 HD1)</p> <p><b>Chair's inclination: Pass As Is.</b></p>	<p>JHW</p>
<p>HB 2500 HD2 (HSCR951-06)</p>	<p>RELATING TO THE JUDICIARY.</p> <p>Supplemental appropriations bill for the expenses of the judiciary. (HB2500 HD2)</p> <p><b>Chair's inclination: SD1</b> – Amend to: 1) Change the appropriation for the probation modification project from \$639,224 to \$1,239,000; 2) Appropriate \$1,013,609 to the Domestic Violence Clearinghouse and Legal Hotline.; 3) Re-insert the CIP appropriation of \$48 million for the Kapolei Judiciary Complex; and 4) Change the effective date from July 1, 2020 to July 1, 2006. The Committee report will recommend that the budget worksheets convert the \$249,475 appropriation to Na Loio Immigrant Legal Services from a purchase of service to a grant-in-aid.</p>	<p>JHW, WAM</p>
<p>HB 3242 (HSCR450-06)</p>	<p>RELATING TO INTOXICATING LIQUOR.</p> <p>Prohibits consumption of liquor by minors.</p> <p><b>Chair's inclination: SD1</b> – Amend to exempt the consumption of liquor by a minor when part of a religious ceremony from the prohibition.</p>	<p>JHW</p>

**The following measure was previously heard on Monday, March 20 at 2:30 p.m.:**

Bill NO.	Description	Referral
HB 2039 HD2 (HSCR894- 06)	RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES.  Requires the Department of Health (DOH) to adopt interim procedures for emergency and long-term decontamination of illegal methamphetamine labs. Requires DOH to evaluate and report on soil and groundwater impacts, cleanup procedures, first responder protocol, and standards and protocol used by other state and federal agencies. (HB2039 HD2) <b>Chair's inclination: SD1</b> – Amend to allow an exemption from chapter 91 to sunset in 18 months and insert a clean effective date. Since HTH was the lead committee for this bill, copies of the proposed draft will not be available.	HTH/JHW, WAM