STAND. COM. REP. NO. 1586 -08

Honolulu, Hawaii

, 2008

RE: S.B. No. 2436

> S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2436, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to strengthen the laws against cyberbullying by including, under the offense of harassment, certain communications, including emails, that cause another person distress or disrupt the orderly conduct of any institution. This bill also makes the offense of harassment a misdemeanor, instead of a petty misdemeanor.

The Honolulu Police Department supported this bill. Office of the Public Defender and American Civil Liberties Union of Hawaii opposed this measure. The Attorney General submitted comments.

Upon further consideration, your Committee has amended this measure by deleting its contents and inserting new provisions that, among other things:

Provide that the requirement to provide proof of financial responsibility shall not be based upon a sentence imposed for a first offense of excessive speeding;

SB2436 HD1 HSCR JUD HMS 2008-3365

- (2) Clarify the process by which a court advises a defendant, pleading guilty or no contest, of the immigration status consequences of the plea;
- (3) Add various offenses to the class of offenses that may be charged by written information instead of indictment or complaint;
- (4) Clarify the process by which certain offenders must submit fingerprint impressions and buccal swab samples for the purpose of forensic identification; and
- (5) Make it a Class C felony for a person to knowingly or negligently refuse or fail to provide any required blood specimens, fingerprints, or buccal swab samples for forensic identification purposes after written notice is provided to the person.

In addition, to encourage further discussion, this bill, as amended, contains an effective date of July 1, 2112, except for the provisions that add various offenses to the class of offenses that may be charged by written information, which take effect on July 1, 2111.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2436, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2436, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

	Resolution No.: Committee Referral: Date:				
SB2436, SD1 (SSCR2567) JUD 3/25/08					
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) / Hold					
Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members	Ay	es Ayes (WR) Nays	Excused	
1. WATERS, Tommy (C)					
2. OSHIRO, Blake K. (VC)					
3. EVANS, Cindy					
4. GREEN, Josh, M.D.					
5. ITO, Ken					
6. LUKE, Sylvia					
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.					
9. SONSON, Alex M.					
10. SOUKI, Joseph M.11. TSUJI, Clift					
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia					
TOTAL (16)	1	4 0	0	12	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office					