

Honolulu, Hawaii

April 25, 2008

RE: S.B. No. 2218
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2218, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require electronic monitoring of persons convicted of violating a domestic abuse temporary restraining order or protective order.

Your Committee on Conference finds that electronic monitoring of violators of temporary restraining orders and protective orders provides an additional measure of protection by alerting a victim if the batterer is within the defined geographic exclusion zone so that the victim may find a safe location.

The intent of your Committee on Conference is to enhance the protections of victims of domestic abuse.



Your Committee on Conference has amended this measure by:

- (1) Clarifying, on the recommendation of the Attorney General, the procedures for the court to:
 - (A) Prohibit the defendant from contacting the protected party by establishing court-defined geographic exclusionary zones, and to order the defendant to wear a global positioning satellite tracking device; and
 - (B) Revoke the probation of the defendant if the court finds that the defendant has entered a geographic exclusionary zone;
- (2) Adding that the court may order the defendant to pay the monthly costs or portion thereof for the electronic monitoring, on the recommendation of the Attorney General, based upon the defendant's ability to pay the monthly costs or a portion thereof;
- (3) Deleting the appropriation; and
- (4) Changing the effective date to July 1, 2008, to be repealed on July 1, 2010.

The intent of your Committee on Conference is that the court consider that many defendants may be indigent without having the financial wherewithal to pay for the cost of a global positioning satellite tracking device. If the defendant is indigent, the court may have to seriously consider not ordering the defendant to wear the tracking device.

Your Committee on Conference believes that electronic monitoring should be a pilot program in order to revisit this measure in two years to ascertain its effectiveness in achieving the intended purpose, and to determine its financial impact on indigent defendants.

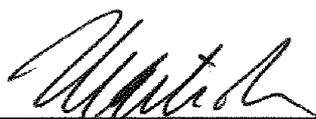
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2218, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2218, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



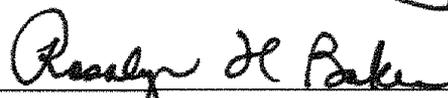
MAILE SHIMABUKURO, Co-Chair



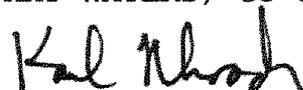
BRIAN T. TANIGUCHI, Chair



TOMMY WATERS, Co-Chair



ROSALYN H. BAKER, Co-Chair



KARL RHOADS, Co-Chair



Hawaii State Legislature

CCR 124

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2218, SD 1, HD 2	Date/Time: 4/24/08 5:30p
---	------------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

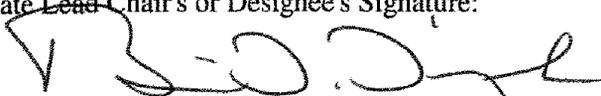
The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				SHIMABUKURO, Maile S. L., Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				WATERS, Tommy, Co-Chr.	✓			
SLOM, Sam				✓	RHOADS, Karl, Co-Chr.	✓			
					WARD, Gene, Ph.D.				✓
TOTAL	2			1	TOTAL	3			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


Distribution: Original Yellow Pink Goldenrod
 File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency