

STAND. COM. REP. NO. 1585-08

Honolulu, Hawaii

Aug 1, 2008

RE: S.B. No. 2301
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. 2301, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRITERIA FOR EXTENDED TERMS OF IMPRISONMENT,"

begs leave to report as follows:

The purpose of this bill is to authorize extended terms of imprisonment for convicted felons who inflict serious or substantial bodily injury to pregnant women in the course of committing certain specified felonies.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Right to Life, and several concerned individuals supported this bill. The Office of the Public Defender, American Civil Liberties Union, Community Alliance on Prisons, and several concerned individuals opposed this measure.

Your Committee finds that contrary to the stated finding of the Senate Committee on Judiciary and Labor in Senate Standing Committee Report No. 2571, this measure is not intended to close any perceived judicially created loophole under offenses committed against an unborn child. Your Committee finds that this measure is intended to confer special protections to pregnant women. Your Committee finds that this can be achieved by including pregnant women in the class of persons that currently includes persons with

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physical handicaps, the elderly, and young children, who are already protected by the extended sentencing law.

Your Committee had amended this bill by changing the effective date to January 1, 2112, to encourage further discussion.

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. 2301, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2301, 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,


TOMMY WATERS Chair



