STAND. COM. REP. NO. 2566

Honolulu, Hawaii

FEB 2 8 2008

RE: S.B. No. 2400

S.D. 1

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

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2400 entitled:

"A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005,"

begs leave to report as follows:

The purpose of this measure is to make the resolution of minor criminal offenses, including traffic violations, as simple as possible for the average citizen and to ensure that police, prosecutorial, and judicial resources are focused on the most serious criminal offenses.

Specifically, this measure represents the effort of the Judiciary, various state departments, and the Legislative Reference Bureau to fulfill the mandate of Act 124, Session Laws of Hawaii 2005, to identify minor criminal offenses for which typically only a fine is imposed and which may be decriminalized without undermining the ability of government to enforce laws within its jurisdiction.

Testimony in support of this measure was submitted by the Judiciary. The Department of the Prosecuting Attorney and the Chief of Police of the City and County of Honolulu submitted testimony in opposition. The Legislative Reference Bureau submitted comments.

Your Committee has amended this measure by:

SB2400 SD1 SSCR LRB 08-1701-1.doc

- (1) Deleting references to section 286-122, Hawaii Revised Statutes, relating to surrender of a suspended license, from section 13 of the bill as recommended by the Honolulu Police Department;
- (2) Deleting section 16 of the measure; and
- (3) Changing the effective date of the measure to October 1, 2080, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2400, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2400, S.D. 1, and be placed on the calendar for Third Reading.

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

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

| Bill / Resolution No.:* Committee | | Referral: | Da | te: 2-1 | 1-08 |
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| The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: | | | | | |
| The Recommendation is: | | | | | |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313 | | | | | |
| Members | | Aye | Aye (WR) | Nay | Excused |
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| GABBARD, Mike | | V | | | |
| KOKUBUN, Russell S. | | | | | |
| NISHIHARA, Clarence K. | | | | | <u> </u> |
| SLOM, Sam | | V | | | |
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| TOTAL | | 4 | | | 2 |
| 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 | | | | | |

^{*}Only one measure per Record of Votes