STAND. COM. REP. NO. **594** 

Honolulu, Hawaii

Fz 720, 2009

RE: H.B. No. 1780 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1780 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS,"

begs leave to report as follows:

The purpose of this bill is to ensure public safety while making available effective services that enable offenders to successfully reintegrate into the community, helping to reduce the cost of corrections, and allowing judges to use their discretion in sentencing offenders, by changing the minimum sentencing of repeat offenders from being mandatory to discretionary.

The Office of the Public Defender, the state representative from the 11<sup>th</sup> Representative District, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Drug Policy Forum of Hawaii, and several concerned individuals testified in support of this bill. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and a concerned individual opposed this measure.

Your Committee has amended this bill by:

(1) Allowing defendants who are repeat offenders under section 706-606.5, Hawaii Revised Statutes, to be sentenced to probation; and

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(2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 1780, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1780, H.D. 1, and be referred to the Committee on Finance.

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

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## State of Hawaii House of Representatives The Twenty-fifth Legislature

## H502594

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: HB 1780	UUD, FIN	Date		9
☐ The committee is reconsidering its previ			'''	
	unamended (as is)	Pass, with amendments commit for future publi		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)				
2. ITO, Ken (VC)				
3. BELATTI, Della Au	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
4. CABANILLA, Rida				
5. CARROLL, Mele				V
6. HERKES, Robert N.				
7. LUKE, Sylvia	<i>V</i>			
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M. 11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				# CTI
15. MARUMOTO, Barbara C.				, , , , , , ,
16. THIELEN, Cynthia				
4000				
TOTAL (16)	12	2		2
The recommendation is: Adop	oted	opted		
If joint re	eferral.		rt recommendation	
Vice Chair's or designee's signature:	TX-			
<b>Distribution:</b> Original (White) – Committee	ee Duplicate (Yellow	) – Chief Clerk's Office	Duplicate (P	ink) – HMSO