

Honolulu, Hawaii

APR 23 2010

, 2010

RE: S.B. No. 2534
S.D. 2
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
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. 2534, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

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:

- (1) Require law enforcement agencies having custody of a person to accept cash, surety bonds, and own recognizance bonds when the courts are closed, to allow the prompt discharge of a person from custody or imprisonment; and
- (2) Require payment of a bond to a law enforcement agency to be accompanied by a bond filing fee of \$20, payable in cash, for each bond issued per defendant.



The payment of cash bail or bail bonds is presently accepted only by the courts during business hours from Monday to Friday excluding weekends and holidays. Many years ago, the practice was for any corrections facility or police facility holding the accused to accept and promptly release the accused at any time, on any day of the week. The practical effect of the current practice is that an accused who can afford to pay the bail or bond may be held in custody for a minor offense from Friday afternoon to the following Monday morning, or Tuesday morning in the case of a Monday holiday.

The costs per day of incarcerating a person can be minimized by avoiding unnecessary delays in the prompt release of a person who is legally entitled to be released.

Your Committee on Conference has amended this measure by:

- (1) Increasing the bond filing fee to \$60;
- (2) Specifying that \$30 of the bond filing fees collected be retained by the agency processing the bond, and \$30 shall be deposited into the state general fund;
- (3) Requiring that bonds be accepted by a law enforcement agency weekends and holidays during the hours that the court would otherwise be open on weekdays;
- (4) Clarifying the definition of "law enforcement agency" to make technical amendments and to delete reference to the Department of Public Safety;
- (5) Authorizing the Attorney General to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to effectuate the purpose of the measure; and
- (6) Changing the effective date to July 1, 2010.

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. 2534, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2534, S.D. 2, H.D. 1, C.D. 1.




Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


JON RIKI KARAMATSU, Co-Chair


WILL ESPERO, Chair


GILBERT KEITH-AGARAN, Co-Chair

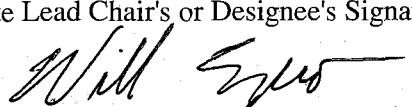


BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

126-10

Bill / Concurrent Resolution No.: SB 2534, SD 2, HD 1					Date/Time: 3/23/10 3:35 pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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
ESPERO, Will, Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
SLOM, Sam				✓	AQUINO, Henry J.C.	✓			
					THIELEN, Cynthia	✓			
TOTAL	2	0	0	1	TOTAL	4	0	0	0
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original					Yellow				
File with Conference Committee Report					House Clerk's Office Senate Clerk's Office Goldenrod Drafting Agency				