

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 968  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 968 entitled:

"A BILL FOR AN ACT RELATING TO ESCAPE, "

begs leave to report as follows:

The purpose of this measure is to add an element to the offense of escape in the second degree to provide for knowingly failing to present oneself to a correctional facility or detention center to serve a term of custody or confinement as ordered by the court.

Your Committee received one testimony in support of and one in opposition to this measure. Written testimony presented to the Committee may be reviewed on the Legislature's website.

This measure addresses the situation wherein a person is sentenced to incarceration and is allowed a period of time after sentencing to attend to personal matters before appearing at the correctional facility. Currently, in the event the person does not show up to serve the sentence, the only offense for not appearing is a contempt of court.

Your Committee notes the concerns of the Office of the Public Defender that this measure is not necessary since current law covers the situation in the offense of bail jumping in the first degree.

Your Committee has amended this measure by:



- (1) Applying the offense to only a scheduled confinement for felony conviction;
- (2) Changing the effective date to July 1, 2050 to continue the discussions on this matter; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 968, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 968, 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  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 968</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">JGO</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">3/3/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**