

STAND. COM. REP. NO.

3109

Honolulu, Hawaii

APR - 9 2010

RE: S.C.R. No. 172  
S.D. 1

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

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.C.R. No. 172 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT,"

begs leave to report as follows:

The purpose of this measure is to request the Judiciary to focus the study on offenders being sentenced for an offense involving the possession of a dangerous, harmful, or detrimental drug or marijuana under part IV of chapter 712, Hawaii Revised Statutes, or an offense involving the use of, or possession with intent to use, drug paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled substance into the human body.

Your Committee has deleted the contents of this measure and substituted language as a proposed Senate Draft 1 to request the Department of Public Safety to identify up to five hundred inmates who could be involved in a day reporting center and be monitored twenty-four hours per day, seven days a week by electronic means.

Your Committee received testimony in support of this measure from one government entity, three private entities, and three individuals. Testimony in opposition was received from one state department. Written testimony presented to the Committee may be reviewed on the Legislature's website.



This amended measure, among other things, also specifies that the Department of Public Safety aggressively collaborate with churches, non-profits, and other entities that are willing to provide free assistance and service to the State in these difficult economic times, and directs the Department of Public Safety and the Hawaii Paroling Authority to report to the Legislature on the progress made in implementing this measure no later than October 1, 2010, including certain specified information.

Hawaii currently has over six thousand offenders incarcerated with about two thousand serving their prison sentences on the mainland. Many offenders are incarcerated due to technical violations of their parole and not for committing another felony; or due to insufficient timely programming or lack of furlough bed spaces to assist in their final transition.

Many inmates are non-violent low risk offenders who could be placed in community-based programming with proper oversight, as for example with twenty-four hours a day/seven days a week, global positioning system (GPS) electronic monitoring to monitor offenders outside of prison facilities. Your Committee believes that there are non-profit organizations and churches that are willing to volunteer with and assist offenders who have been released from prison.

The State currently spends approximately \$134 per day to house an inmate in Hawaii and approximately \$74 a day to house an inmate on the mainland. Tax dollars spent on the mainland to house inmates would benefit Hawaii if those dollars can be redirected locally in programs, staff, and facilities. Furthermore, alternatives to incarceration in a prison or jail are less expensive for taxpayers, and alternatives to incarceration can be more beneficial for those offenders with children and families.

Your Committee has amended the proposed draft by:

- (1) Clarifying the title to request the Department of Public Safety and the Hawaii Paroling Authority to identify up to five hundred non-violent inmates who could be involved in a day reporting center, be monitored via twenty-four hour/seven days a week GPS electronic monitoring, be included in an extended work furlough

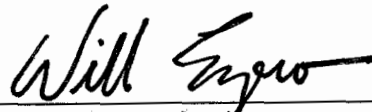


program, and/or be eligible for an early release program; and

(2) Changing the reporting date to October 1, 2010.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 172, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 172, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Military Affairs,



WILL ESPERO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

|   |                                   |                        |     |          |
|---|-----------------------------------|------------------------|-----|----------|
| Bill / Resolution No.:*<br><b>SCR 172</b>   | Committee Referral:<br><b>PSM</b> | Date:<br><b>4/8/10</b> |     |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____   |                                   |                        |     |          |
| The Recommendation is:<br><div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended<br/>2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments<br/>2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold<br/>2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit<br/>2313</div> </div> |                                   |                        |     |          |
| Members   | Aye                               | Aye (WR)               | Nay | Excused  |
| ESPERO, Will (C)  | X                                 |                        |     |          |
| BUNDA, Robert (VC)  |                                   | X                      |     |          |
| ENGLISH, J. Kalani  |                                   |                        |     | X        |
| GABBARD, Mike   | X                                 |                        |     |          |
| GALUTERIA, Brickwood  | X                                 |                        |     |          |
| KIDANI, Michelle N.   | X                                 |                        |     |          |
| HEMMINGS, Fred  |                                   |                        |     | X        |
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| <b>TOTAL</b>  | <b>4</b>                          | <b>1</b>               |     | <b>2</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |                                   |                        |     |          |
| Chair's or Designee's Signature:<br>  |                                   |                        |     |          |
| <b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Original<br/>File with Committee Report</span> <span>Yellow<br/>Clerk's Office</span> <span>Pink<br/>Drafting Agency</span> <span>Goldenrod<br/>Committee File Copy</span> </div>   |                                   |                        |     |          |

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