STAND. COM. REP. NO. 636

Honolulu, Hawaii

March 3, 2011

RE: H.B. No. 1155 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1155 entitled:

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

begs leave to report as follows:

The purpose of this bill is to update the list of crimes that warrant mandatory minimum sentences under the Hawaii Repeat Offender Law by:

- (1) Specifying the class A and B felonies and deleting certain class C felonies; and
- (2) Adding the crime of attempting to commit any of the specified felonies;

that trigger mandatory minimum sentencing.

The Office of the Public Defender, American Civil Liberties Union, and National Association of Reformed Criminals testified in support of this measure. The Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, and Honolulu Police Department opposed this bill.

Your Committee has amended this bill by:

(1) Adding new class A and B felonies that warrant mandatory minimum sentences;

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- (2) Reinstating certain deleted class C felonies (except section 708-831 relating to theft in the first and second degree, and section 708-836 relating to unauthorized control of propelled vehicle) and adding new class C felonies that warrant mandatory minimum sentences;
- (3) Changing the effective date to January 7, 2059, to promote further discussion; and
- (4) Making technical, nonsubstantive changes 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. 1155, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1155, H.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT KEITH-ACARAN, Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1155	Committee Referral:	JUD Date:	3/1/11	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C.	(C)			
2. RHOADS, Karl (VC)				/
3. BROWER, Tom			· .	
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele				/
6. HERKES, Robert N.				
7. ITO, Ken				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M. 11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.			·	
13. TSUJI, Clift				
14. FONTAINE, George R.			TRANS. 1	
15. MARUMOTO, Barbara C.		 		
16. THIELEN, Cynthia				
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TOTAL (16)	5	4		7
The recommendation is: Adopted If joint referral,				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				