STAND. COM. REP. NO. 625

Honolulu, Hawaii

March 3 , 2011

RE: H.B. No. 141 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. 141 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose of this bill is to retroactively require that multiple terms of imprisonment be served concurrently unless otherwise specified by law or court order.

The Office of the Public Defender, the Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, National Association of Reformed Criminals, and several concerned citizens testified in support of this measure. The Office of Hawaiian Affairs supported this bill with amendments. A concerned individual supported the intent of this measure. The Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney opposed this measure.

Your Committee has amended this bill by:

- (1) Adding language to shield the State from any liability for sentencing errors;
- (2) Changing its effective date to January 7, 2059, to promote further discussion; and

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(3) Making nonsubstantive, technical 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. 141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 141, 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-AGARAN, Chair

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

## HSCR 625

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	JUD	Date: 2/22//	}
☐ 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 (W	R) Nays	Excused
1. KEITH-AGARAN, Gilbert S.C.	(C)			
2. RHOADS, Karl (VC)				
3. BROWER, Tom				_
4. CABANILLA, Rida T.R.				<b>/</b>
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.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia		<u> </u>		
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TOTAL (16)	10	3	0	3
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
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