CONFERENCE COMMITTEE REP. NO.

24

Honolulu, Hawaii

APR 28 2011 , 2011 RE: S.B. No. 986 S.D. 2 H.D. 3 C.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 986, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM,"

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:

2011-2291 SCCR SMA.doc

- (1) Establish a seven-member task force to formulate policies and procedures to eliminate the disproportionate representation of native Hawaiians in Hawaii's criminal justice system by looking for new strategies to reduce or avoid unnecessary involvement of these individuals with the criminal justice system;
- (2) Require the task force to submit a final report to the Legislature prior to the Regular Session of 2013; and

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(3) Repeal the task force on August 1, 2013.

Your Committee on Conference finds that, while there are differences in approach between the Senate and House drafts of this measure, there is broad agreement regarding the importance of addressing the findings in the Office of Hawaiian Affairs 2010 study on "The Disparate Treatment of Native Hawaiians in the Criminal Justice System."

In reaching consensus, your Committee on Conference has amended this measure by:

- (1) Increasing the membership of the task force from seven to nine members to add two members: a representative from the Office of the Public Defender, and a member of the public selected by the Governor from a list of no more than four names, two submitted by the Senate President and two submitted by the Speaker of the House of Representatives;
- (2) Clarifying the requirements for submission of lists for the criminologist member;
- (3) Changing the effective date from July 1, 2030, to upon approval; and
- (4) Making technical, nonsubstantive amendments, including the capitalization of the term "Native Hawaiians" to reflect the language in the Office of Hawaiian Affairs study, for the purposes of clarity and consistency.

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. 986, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 986, S.D. 2, H.D. 3, C.D. 1.



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ON THE PART OF THE SENATE

of the managers:

Respectfully submitted on behalf

BRICKWOOD GALUTERIA, Chair

MICH KIDANI, Co-Chair

SHIMABUKURO, Co-Chair MAILE

ON THE PART OF THE HOUSE

Co-Chair FAYE IANOHANO,

HENRY Co-Chair OUINO.

KARL RHOADS, Co-Chair

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CHRIS LEE, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 986, SD 2, HD 3				Date/Time:/ 4/27/11, 9:22 AM					
The recommendation of the House and Senate managers is to pass with amendments (CD).									
The Committee is reconsidering i									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	Е
GALUTERIA, Brickwood, Chr.	1				HANOHANO, Faye P., Co-Chr.	~			
KIDANI, Michelle, Co-Chr.	~				AQUINO, Henry J.C., Co-Chr.	~			
SHIMABUKURO, Maile S.L., Co-Chr.	~				RHOADS, Karl, Co-Chr.	~	 		
SLOM, Sam				~	LEE, Chris, Co-Chr.	1			
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TOTAL	3				TOTAL	5			1
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:				House Recommendation is:					
Adopted Vot Adopted				Adopted <b>I</b> Not Adopted					
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
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