STAND. COM. REP. NO. **632** -12

Honolulu, Hawaii

Feb 17 , 2012

RE: H.B. No. 1797 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1797 entitled:

"A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to require tolling of the oneyear conditional release period that may be granted to a defendant who is acquitted on the grounds of physical or mental disease, disorder, or defect excluding responsibility upon the filing of a motion for revocation of the conditional release or modification of the conditions.

The Judiciary and City and County of Honolulu Department of the Prosecuting Attorney supported this bill. The Department of Health opposed this measure. The Office of the Public Defender provided comments.

Your Committee has amended this bill by:

- (1) Limiting the tolling period to ninety days;
- (2) Commencing the ninety-day tolling period from the date of service of the motion, rather than the filing date of the motion through and including the filing of the written order:

- (3) Requiring rather than authorizing that the period of tolling be granted to the defendant for purposes of the computation of any remaining conditional release period if the court refuses to revoke or modify the conditional release;
- (4) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive 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. 1797, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1797, H.D. 1, and be referred to the Committee on Finance.

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



Record of Votes of the Committee on Judiciary

HB 1797	JUD, HN	Date:	2/16/	12
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. COFFMAN, Denny				
7. HERKES, Robert N.				-
8. ITO, Ken				
9. LUKE, Sylvia	/			
10. McKELVEY, Angus L.K.				<u></u>
11. SOUKI, Joseph M.				
12. TSUJI, Clift				
13. FONTAINE, George R.				
14. MARUMOTO, Barbara C.	/		- 1000-1	
15. THIELEN, Cynthia				
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	1.0		40	1
TOTAL (15)	10	0	0	5
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				