

Honolulu, Hawaii

FEB 17 2012

RE: H.B. No. 297  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 297, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES FEE,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the courts to assess a fee for probation services to all offenders under the supervision of the Adult Client Services Branch, including those granted deferred acceptance of guilty plea or deferred acceptance of nolo contendere plea, to hold offenders accountable for their actions and make them responsible for paying for some of their supervision costs.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that in 2000, the Legislature established probation services fees to help defray the costs of administering probation services. Offenders sentenced to probation are ordered to pay a probation services fee of \$150 for the probation term that is for more than one year, and \$75 for a probation term that is one year or less. However, this fee cannot be ordered for those offenders who are granted deferrals. This measure will allow the courts to collect probation services fees from offenders placed on deferral to make them accountable for their actions and to help pay for their supervision costs. Moreover, this measure addresses the Judiciary's need for



additional revenue to meet the rising costs of supervising offenders that are not covered by the general fund.

Your Committee has amended this measure by changing the effective date from January 7, 2059, to effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 297, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 297, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

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



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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB297, HD1</b>	Committee Referral: <b>JDL WAM</b>	Date: <b>2/10/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

\*Only one measure per Record of Votes