STAND. COM. REP. NO. 2078

Honolulu, Hawaii

FEB 09 2012

RE: S.B. No. 2061

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 S.B. No. 2061 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose and intent of this measure is to codify dismissals pursuant to Rule 48 of the Hawaii Penal Procedure and provide an exception for cases of abuse of family or household members, for the calculation of the six-month deadline for trial commencement.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Testimony in opposition to this measure was submitted by the Office of the Public Defender.

Your Committee finds that Rule 48 of the Hawaii Penal Procedure requires that unless a trial commences within six months, it may be dismissed by the court with or without prejudice. As such, the courts are dismissing a number of domestic violence cases.

Your Committee recognizes the City and County of Honolulu Prosecutor's current policy to prosecute domestic violence cases, and believes this measure merits further discussion so its language may be further streamlined to ensure domestic violence cases are brought to trial without infringing upon the right to a speedy trial.

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Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2061, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2061, S.D. 1, and be placed on the calendar for Third Reading.

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

Labor,

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Da	Date: /	
5B 2061	JDL			1/31/12	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)					
GABBARD, Mike		\			
IHARA, Jr., Les					V
SLOM, Sam		/			
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TOTAL		4			/
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes