

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 52
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred H.B. No. 52, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit biased-based policing by the Department of Public Safety, public safety officers, police departments, and police officers.

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawaii Civil Rights Commission; Hawaii State Commission on the Status of Women; Community Alliance on Prisons; American Civil Liberties Union of Hawaii; African American Lawyers Association; Hawaii State Coalition Against Domestic Violence; Hawaii Women's Coalition; Police Department, City and County of Honolulu; and seven individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General and eight individuals.

Your Committee finds that the practice of discrimination based on actual or perceived race, ethnicity, national origin, immigration or citizenship status, sexual orientation, gender identity, or religion has no place in law enforcement. Your Committee further finds that profiling is unjust and counterproductive and causes resentment in the targeted



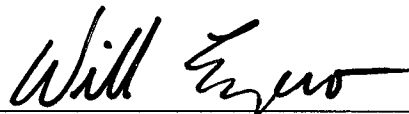
communities. This measure increases civil rights protections by making it a civil rights violation for state and county law enforcement agencies and agents to engage in biased-based profiling.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited state and county law enforcement agencies and their officers from detaining an individual based on any noncriminal factor or combination of noncriminal factors, unless pursuant to court order;
- (2) Inserting language to prohibit state and county law enforcement agencies and their officers from engaging in a pattern or practice of conduct that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Hawaii; and
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 52, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 52, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

*Only one measure per Record of Votes