STAND. COM. REP. NO.

Honolulu, Hawaii March 23 , 2013 RE: S.B. No. 194 S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 194, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to exclude from eligibility for a deferred acceptance of guilty plea:

- Petty misdemeanor offenses if the defendant has been previously granted a deferred acceptance of guilty plea for any prior offense and the term of deferral has not yet expired; and
- (2) Prostitution, where the defendant is the soliciting party; street solicitation of prostitution; solicitation of prostitution near schools or public parks; or habitual solicitation of prostitution.

The Pacific Alliance to Stop Slavery, Tahirih Association, Courage House Hawaii, and numerous individuals supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, and IMUAlliance offered comments on the measure.



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Your Committee has amended this measure by:

- Deleting the exclusion for petty misdemeanor offenses if the defendant has been previously granted a deferred acceptance of guilty plea for any prior offense and the term of deferral has not yet expired; and
- (2) Making it effective upon its approval.

SB194 HD1 HSCR JUD HMS 2013-2823

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 S.B. No. 194, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 194, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-seventh Legislature

HGCK1237

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB194, SD1	Committee Referra JUD	l:	Date:	413	~ ·
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	Ау	es Ayes (V	VR)	Nays	Excused
1. RHOADS, Karl (C)					
2. HAR, Sharon E. (VC)	ý.				
3. BELATTI, Della Au	Ĺ				
4. BROWER, Tom	ĺ χ				
5. CABANILLA, Rida T.R.					X
6. CARROLL, Mele					-7 <u>/</u>
7. ITO, Ken	X				7
8. KAWAKAMI, Derek S.K.	X				
9. LEE, Chris	X				
10. TSUJI, Clift	× 1				
11. WOOLEY, Jessica	ý.				
12. MCDERMOTT, Bob	X				
13. THIELEN, Cynthia	X.				
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TOTAL (13)	11				2
The recommendation is: Adopted If joint referral, committee (cronym(s)) did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					