CONFERENCE COMMITTEE REP. NO.

66

Honolulu, Hawaii

APR 2 7 2017

RE: S.B. No. 322 S.D. 1

> H.D. 1 C.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 322, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT JURISDICTION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify that the circuit courts have concurrent jurisdiction with the family court over certain felonies when multiple offenses are charged and at least one of the offenses is a violation of the offense of endangering the welfare of a minor in the first degree, endangering the welfare of a minor in the second degree, or endangering the welfare of an incompetent person; and
- (2) Clarify that the district courts have concurrent jurisdiction with the family court of any violation of the



CONFERENCE COMMITTEE REP. NO.



offense of endangering the welfare of a minor in the second degree or endangering the welfare of an incompetent person when multiple offenses are charged and least one of the offenses is a criminal offense within the jurisdiction of the district courts.

Your Committee on Conference finds that circuit, district, and family courts each have exclusive, original jurisdiction over certain matters as provided by law. There may be circumstances in which an entire act may be comprised of charges for which courts have separate exclusive jurisdiction. However, double jeopardy protections require that a defendant be charged with all known potential charges at the same time. As a result, the State must choose between charging the defendant in circuit, district, or family court based on the jurisdiction of each court. This measure will allow the circuit and district courts to have concurrent jurisdiction with the family court over certain endangerment offenses under certain circumstances to allow for proper charging and prosecution of these cases.

Page 2

Your Committee on Conference has amended this measure by changing the effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 322, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 322, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

Y. NISHIMOTO SCOTT

Chair

ON THE PART OF THE SENATE

N.C. Kurk

GILBERT S.C. KEITH-A Chair

2017-2627 SCCR SMA.doc

Hawaii State Legislature

CCR 66

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 322, SD 1, HD 1	Date/Time: 4/26/17 2:25 pM						
The recommendation of the House and Sena	ite man	agers	is to pass with amendments (CD).				
The Committee is reconsidering its previous	decisi	on.	· · · · · · · · · · · · · · · · · · ·				
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure			The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers A W	R N	E	House Managers	Α	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.			NISHIMOTO, Scott Y., Chr.				
KIM, Donna Mercado			OSHIRO, Marcus R.	V			
RHOADS, Karl			MCDERMOTT, Bob	V			
					<u> </u>		
	1	-		┢	 		
				<u> </u>	<u> </u>		<u> </u>
		+		<u> </u>	<u> </u>		
		+					
		-					
							·
		-		-			
		+					
	<u> </u>						
		-					
				 			
	——			\vdash			
	_						
							ļ
					ļ		
	<u> </u>						
TOTAL 3 0	0	0	TOTAL	3	0	0	D
$\mathbf{A} = Aye \qquad \qquad \mathbf{W}\mathbf{R} = Aye \text{ with}$	th Rese	rvation	· · · · · · · · · · · · · · · · · · ·	= Exc	used		
Senate Recommendation is:	House Recommendation is:						
Adopted Vot Adopted			Adopted Vot Adopted				
Senate Lead Chair's or Designee's Signature:			House Lead Chair's or Designee's Signature:				
and and ag			Cer				
Distribution: Original	Yellow Pink Goldenrod use Clerk's Office Senate Clerk's Office Drafting Agency						