STAND. COM. REP. NO. LIL

Honolulu, Hawaii

MAR 0 2 2017

RE: S.B. No. 339 S.D. 1

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

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 339 entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION CHARGING,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize all class B and class C felony charges to be instituted by written information subject to specified exceptions.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Office of the Prosecuting Attorney, County of Kaua'i; Department of the Prosecuting Attorney, County of Maui; and Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that existing law enumerates fourteen class B felonies and ninety-four class C felonies that may be instituted by written information. Each time a new offense is created or added to the list of offenses that may be chargeable by written information, section 806-83, Hawaii Revised Statutes (HRS), must be amended to reflect this addition. By specifying certain offenses that shall not be, rather than listing offenses that may be, instituted by written information, this measure creates greater efficiency in implementing the written information charging law.



Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General that:
 - (A) Clarifies that criminal charges may be instituted by written information for a felony when the charge is under section 329-46, HRS, and the comparable offense under part IV of chapter 712, HRS, is a class B or class C felony not enumerated in section 806-83(a) or (b), HRS, excluding the reference to section 806-83(c), HRS, as that subsection does not include a drug offense; and
 - (B) Specifies that a criminal charge may be instituted by written information for a felony when the underlying offense is an offense not listed in section 806-83(a) or (b), HRS, or an offense specified in section 806-83(c) or (d), HRS, to distinguish between the offenses enumerated in subsections (a) and (b), which are excluded from written information charging, and the offenses enumerated or described in subsections (c) and (d), which may be charged by written information;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) 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. 339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 339, S.D. 1, and be placed on the calendar for Third Reading.



STAND. COM. REP. NO. **bib**

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

GILBERT S.C. KEITH-AGARAN Chair



The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee	Referral:	Da	te: 2/21/	17
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)					
RHOADS, Karl (VC)					
GABBARD, Mike					
KIM, Donna Mercado		/			
THIELEN, Laura H.					
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TOTAL		4	O	\mathcal{O}	
Recommendation: Adopted Not Adopted					ł
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