

Honolulu, Hawaii

APR 28 2017

RE: S.B. No. 718
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. 718, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT,"

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 and intent of this measure is to establish a mobile court to dispose of certain criminal cases.

Specifically, this measure:

- (1) Temporarily establishes the community court outreach project in the City and County of Honolulu to dispose of cases involving nonviolent, nonfelony offenses where a plea agreement has been reached;



- (2) Makes the project subject to the availability of funds and memoranda of agreement with the Prosecuting Attorney of the City and County of Honolulu and the state Public Defender;
- (3) Appropriates an unspecified sum for the project with unspecified amounts to be transferred to the Prosecuting Attorney of the City and County of Honolulu and the state Public Defender; and
- (4) Terminates the project on June 30, 2020.

Your Committee on Conference finds that a community court outreach project provide accountability for and treatment options to offenders, ultimately resulting in reduced crime and recidivism.

Your Committee on Conference notes that an appropriation of \$445,768 in general funds for each fiscal year of the biennium has been included within the General Appropriations Act of 2017. The appropriation is intended to be distributed among the Office of the Public Defender, the Department of the Prosecuting Attorney for the City and County of Honolulu, and the Judiciary for the community court outreach project. Your Committee on Conference also intends that the appropriation be recurring, signifying the legislative intent that the project be made permanent and possibly expanded to other counties in the future.

Your Committee on Conference has amended this measure to make the provisions consistent with the policy direction expressed in the General Appropriations Act of 2017. Specifically, your Committee on Conference has amended this measure by:

- (1) Making the project permanent;
- (2) Making the administration and operation of the project subject to the availability of sufficient funds through a specific appropriation, transfer of an appropriation from another state agency, or a federal or other grant;
- (3) Deleting the requirement that the Judiciary enter into memoranda of agreement with the Prosecuting Attorney of the City and County of Honolulu and the state Public Defender to specify the terms and conditions of each agency's participation in the project;



- (4) Requiring the Prosecuting Attorney of the City and County of Honolulu and the state Public Defender to participate in the project, subject to the availability of sufficient funds;
- (5) Deleting the appropriation in light of the funding provided for the project under the General Appropriation Act of 2017;
- (6) Adding that the Chief Justice, as an alternative recommendation in the report to the Legislature and the Governor on the project, may recommend that the project be terminated; and
- (7) Changing the effective date to July 1, 2017.

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. 718, 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. 718, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

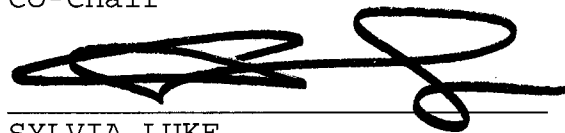
ON THE PART OF THE SENATE




 SCOTT Y. NISHIMOTO
 Co-Chair



 GILBERT S.C. KEITH-AGARAN
 Chair



 SYLVIA LUKE
 Co-Chair



 JILL N. TOKUDA
 Co-Chair



Hawaii State Legislature

CCR 99

Record of Votes of a
Conference Committee

| | |
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| Bill / Concurrent Resolution No.: SB 718, SD 1, HD 1 | Date/Time: 4/26/17 2:10 pm |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

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| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
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| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
|----------------------------------|----------|----------|----------|----------|------------------------------|----------|----------|----------|----------|
| KEITH-AGARAN, Gilbert S.C., Chr. | ✓ | | | | NISHIMOTO, Scott Y., Co-Chr. | ✓ | | | |
| TOKUDA, Jill N., Co-Chr. | ✓ | | | | LUKE, Sylvia, Co-Chr. | ✓ | | | |
| RHOADS, Karl | | | | ✓ | TAKAYAMA, Gregg | ✓ | | | |
| | | | | | MCDERMOTT, Bob | ✓ | | | |
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| TOTAL | 2 | 0 | 0 | 1 | TOTAL | 4 | 0 | 0 | 0 |

A = Aye WR = Aye with Reservations N = Nay E = Excused

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| Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted |
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| Senate Lead Chair's or Designee's Signature: | House Lead Chair's or Designee's Signature: |
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Distribution:
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