Honolulu, Hawaii

March (, 20

RE: H.B. No. 2588

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2588 entitled:

"A BILL FOR AN ACT RELATING TO EXTENDED TERMS OF IMPRISONMENT,"

begs leave to report as follows:

The purpose of this measure is to authorize the courts to impose an extended term of imprisonment for an offender who is convicted of a felony that results in the death, disability, or serious disfigurement of one or more persons based on the offender's willful and wanton disregard of the need to exercise reasonable care.

The Hawaii Ironworkers Stabilization Fund and numerous individuals testified in support of this measure. Kamehameha Schools supported the intent of this measure. The Office of the Public Defender testified in opposition. The Department of Transportation; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Chapter of Mothers Against Drunk Driving; Hawaii Laborers' Union, Local 368; UNITE HERE Local 5; Hawaii Bicycling League; and many individuals provided comments.

Your Committee has amended this measure by:

- (1) Deleting the proposed language authorizing the courts to impose an extended term of imprisonment for an offender who is convicted of a felony that results in the death, disability, or serious disfigurement of one or more persons based on the offender's willful and wanton disregard of the need to exercise reasonable care;
- (2) Inserting language from S.B. No. 2582, which is a similar measure that authorizes the courts to impose an extended term of imprisonment for an offender who is convicted of negligent homicide in the first degree and did not remain at the scene of the crime and render reasonable assistance to an injured person; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 2588, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2588, H.D. 1, and be placed on the calendar for Third Reading.

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

SCOTT Y. NISHIMOTO, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2588	Committee Referral: JUD			
☐ 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	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)				Managaran Sanata Sa
2. SAN BUENAVENTURA, Joy A.				
3. BROWER, Tom				
4. LEE, Chris				
5. MORIKAWA, Dee			· · · · · · · · · · · · · · · · · · ·	e Sandara de Caración de Carac
C. TAVANA C.				
6. TAKAYAMA, Gregg				
7. McDERMOTT, Bob				
8. THIELEN, Cynthia				
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TOTAL (8)				
The recommendation is: Adopted If joint referral, did not support recommendation.				
n joint le	committee acronym(s)		. recommendation.	
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				