

Honolulu, Hawaii

MAR 22 , 2019

RE: S.B. No. 1539
S.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1539, S.D. 1, entitled:

"A BILL FOR AN ACT RELATED TO BAIL HEARINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Provide defendants, upon formal charge and detention, with the right to a prompt hearing concerning release or detention and to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance as required;
- (2) Require the judge to consider certain factors when making a decision concerning release or detention;
- (3) Provide defendants with the right to be represented by counsel at the hearing, or have counsel appointed if financially unable to obtain representation; and
- (4) Allow defendants to testify, present witnesses, cross-examine witnesses, and present information by proffer or otherwise.



The Office of Hawaiian Affairs, The Judiciary, Office of the Public Defender, LGBT Caucus of the Democratic Party of Hawaii, Community Alliance on Prisons, Young Progressives Demanding Action, Drug Policy Forum of Hawaii, and several concerned individuals submitted testimony in support of this measure. Crime Victim Compensation Commission, Office of the Prosecuting Attorney of the County of Kaua'i, and Sex Abuse Treatment Center submitted testimony in opposition. A concerned individual submitted comments.

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. 1539, S.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Finance.

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



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HR 1682

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1539, SDI	Committee Referral: JUD, FIN	Date: 3/21/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.				/
6. McKELVEY, Angus L.K.	/			
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.			/	
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia		/		
TOTAL (11)	7	1	1	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				