

STAND. COM. REP. NO. **43B**

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1540
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 1540 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require periodic
reviews and public reporting of the pretrial intake screening
process of defendants for potential pretrial release and to
improve clarity and consistency in the intake process.

Your Committee received testimony in support of this measure
from the Judiciary, Department of Public Safety, Office of the
Public Defender, IMUAlliance, O'ahu County Committee on Legislative
Priorities of the Democratic Party of Hawai'i, Ho'omanapono
Political Action Committee, and six individuals.

Your Committee finds that House Concurrent Resolution No.
134, H.D. 1 (2017), established a task force to examine and make
recommendations regarding criminal pretrial practices and
procedures. The task force made multiple recommendations to
improving the pretrial process, which include conducting periodic
reviews of each pretrial detainee's status and completing pretrial
risk assessments and bail reports within two, instead of three,
working days.



Your Committee further finds that generally, court determinations as to whether a defendant is detained or released are made at or about the time of the initial arraignment hearing. Thereafter, a defendant's bail or release is rarely addressed.

Your Committee finds that in order to afford the pretrial detainee greater and continuing opportunities to be released, intake service centers should conduct periodic reviews of each pretrial detainee's status and complete pretrial risk assessments and bail reports within two working days.

Your Committee has amended this measure by clarifying that research entities must have been approved by and contracted with the Department of Public Safety in order to receive a copy of the pretrial bail report.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1540, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,


CLARENCE K. NISHIHARA, Chair



