STAND. COM. REP. NO. 702

Honolulu, Hawaii

, 2019 Februam &

RE: H.B. No. 1436 H.D. 1

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

Sir:

Your Committee on Public Safety, Veterans, & Military Affairs, to which was referred H.B. No. 1436 entitled:

"A BILL FOR AN ACT RELATING TO PRETRIAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to reform Hawaii's criminal justice system by:

- (1) Requiring courts to order any person charged with a criminal offense to be released on personal recognizance or on the execution of an unsecured bond, unless the person is unlikely to appear for trial;
- (2) Requiring the Judiciary to establish a statewide court appearance reminder system for criminal cases; and
- (3) Establishing requirements for any pretrial risk assessment tool used by the Judiciary.

The Office of the Public Defender, American Civil Liberties Union of Hawai'i, IMUAlliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Community Alliance on Prisons, and several concerned individuals supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and A.Y.S. Bail Bonds LLC opposed this measure. The Judiciary, Department of the Attorney General, Department of Public Safety, and Hawaii Disability Rights Center offered comments.

Your Committee notes the concerns of the Department of the Attorney General that the presumptive language in the measure may adversely affect community safety and the effective administration of justice. However, your Committee believes that this measure deserves consideration and further discussion as it moves through the legislative process.

Your Committee has amended this measure by:

- (1) Deleting the requirements for any pretrial risk assessment tool used by the Judiciary; and
- (2) Changing its effective date to July 1, 2050, to encourage further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1436, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1436, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Veterans, & Military Affairs,

State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Public Safety, Veterans, & Military Affairs

Bill/Resolution No.: HB 1436	Committee Referral: Date: O2/06/19			7
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)				
PVM Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	V			
2. GATES, Cedric Asuega (VC)				
3. KOBAYASHI, Dale T.				
4. KONG, Sam Satoru	V	Samuel and the state of the sta		
5. NISHIMOTO, Scott Y.				
6. OHNO, Takashi			A Committee of the control of the co	
7. McDERMOTT, Bob	✓		-	
	-			
TOTAL (7)	7			
The recommendation is: 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				