STAND. COM. REP. NO. 12

Honolulu, Hawaii

FEB 1 5 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.



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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,

Clauna Knichihar

CLARENCE K. NISHIHARA, Chair



The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee		C	Date:	ale lica
SB 1540	PSM	, JDC		2	1719
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Na	y Excused
NISHIHARA, Clarence K. (C)		V			
WAKAI, Glenn (VC)					
BAKER, Rosalyn H.					
HARIMOTO, Breene					
FEVELLA, Kurt		V			
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TOTAL		5	Ý		D Ø
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re		evow s Øffice D	Pink Drafting Agend	cy Co	Goldenrod ommittee File Copy
*Only <u>one</u> measure per Record of Votes					