

Honolulu, Hawaii

FEB 11 , 2022

RE: H.B. No. 1567
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1567 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PRETRIAL REFORM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Eliminate the use of monetary bail and require defendants to be released on their own recognizance for traffic offenses, violations, nonviolent petty misdemeanor offenses, nonviolent misdemeanor offenses, and nonviolent class C felony offenses; and
- (2) Allow defendants the option to participate in a bail report interview via videoconference.

Your Committee received testimony in support of this measure from the Judiciary, Office of Hawaiian Affairs, Department of Public Safety, Office of the Public Defender, Hawai'i Correctional System Oversight Commission, Imua Alliance, Community Alliance on Prisons, League of Women Voters of Hawaii, Common Cause Hawaii, Hawai'i Health & Harm Reduction Center, Faith Action for Community Equity, Trinity United Methodist Church, Planning for Community LLC, and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney



General, Department of the Prosecuting Attorney of the City and County of Honolulu, Retail Merchants of Hawaii, and Honolulu County Republican Party. Your Committee received comments on this measure from the Hawaii Disability Rights Center, Hawaii Substance Abuse Coalition, American Civil Liberties Union of Hawai'i, and one individual.

Your Committee finds that Hawaii's bail system is overwhelmed, inefficient, and ineffective, and continues to result in harmful, unnecessary socioeconomic impacts on low-income individuals and their families, a disproportionate number of whom may be Native Hawaiian. This measure seeks to reduce unnecessary pretrial incarceration and its cost to taxpayers and the community while maintaining public safety.

Your Committee has amended this measure by:

- (1) Deleting language that would have required the court to release defendants arrested, charged, and held for nonviolent class C felony offenses;
- (2) Requiring the defendant's release to be conditioned upon the general conditions of release on bail, which include requirements that the person:
 - (A) Not commit a federal, state, or local offense during the period of release;
 - (B) Appear for all court hearings, unless notified that appearance is not required; and
 - (C) Remain in Hawaii, unless approval is obtained to leave the jurisdiction of the court;
- (3) Requiring that any bail set be based upon all of the available information;
- (4) Deleting language authorizing the Director of Public Safety to release a defendant if the defendant is unable to post bail in the amount of \$99 or less;
- (5) Changing the effective date to January 1, 2222, to encourage further discussion; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1567, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1567, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK H. NAKASHIMA, Chair



HSCR 213-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 1567	Committee Referral: JHA, FIN	Date: 2-1-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.				✓
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene			✓	
TOTAL (12)	10	0	1	1
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				