

STAND. COM. REP. NO. 3756

Honolulu, Hawaii

APR - 6 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1567, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent 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, or nonviolent misdemeanor 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 Hawaii Correctional System Oversight Commission, Common Cause Hawaii, Community Alliance on Prisons, Hawai'i Alliance for Progressive Action, Americans for Democratic Action Hawai'i, Faith Action for Community Equity, Trinity United Methodist Church, League of Women Voters Hawaii, Imua Alliance, Bail Reform Project, and sixty-nine 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 State of Hawaii Organization of Police Officers. Your Committee received comments on this measure from the Judiciary, Department of Public Safety, American Civil Liberties Union of Hawai'i, Hawaii Substance Abuse Coalition, and one individual.

Your Committee finds that almost half of the people in the Oahu Community Correctional Center are there because they cannot afford bail. From April 1 to September 30, 2021, pretrial detainees at Oahu Community Correctional Center cost the State, on average, \$113,000 per day. Your Committee further finds that the use of money bail is often justified on the grounds that it makes us safer by keeping dangerous people in jail. However, a report from the 2018 Criminal Pretrial Task Force, chaired by Hawaii Circuit Judge Rom A. Trader found that "there is virtually no correlation between the setting of a particular bail amount and whether the defendant will commit further crime or engage in violent behavior when released from custody". Your Committee believes that money bail is a poor method of assessing and managing a defendant's risks to the community. This measure will provide better equality within the justice system by eliminating the use of monetary bail and requiring that defendants be released on their own recognizance for certain offenses, and allowing defendants the option to participate in a bail report interview via videoconference.

Your Committee has heard the testimony of the Department of the Prosecuting Attorney of the City and County of Honolulu expressing concerns that this measure fails to account for time between the date of the offense and the date the individual is arraigned on the original case, which can range from a few days to a few weeks for petty misdemeanor and misdemeanor cases. Your Committee notes the suggestion of the Department of the Prosecuting Attorney of the City and County of Honolulu to amend this measure to address this issue.

Your Committee has amended this measure by:

- (1) Restoring language that requires the court to release defendants arrested, charged, and held for nonviolent class C felony offenses;



- (2) Requiring the Director of Public Safety to release a defendant if the defendant is unable to post bail in the amount of \$99 or less;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 1567, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1567, H.D. 1, S.D. 1.

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

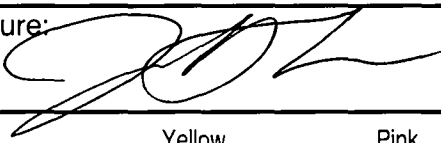
Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1567, HD1	PSM, JDC	03-31-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	-	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes