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# SENATE CONCURRENT RESOLUTION

CONVENING A TASK FORCE TO EXAMINE THE ISSUE OF CHANGES TO THE  
HAWAII PENAL CODE FOR THE SENTENCING OF REPEAT OFFENDERS.

1           WHEREAS, during the 2006 Regular Session, the Attorney  
2 General requested the introduction of, as part of the Department  
3 of the Attorney General's 2006 legislative package, a measure  
4 which, in part, sought to expand the types of offenses subject  
5 to higher maximum terms for repeat offenders; and

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7           WHEREAS, the measure also sought to change the method of  
8 calculating the period of eligibility of repeat offender  
9 sentencing; and

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11           WHEREAS, the measure additionally sought to add twenty  
12 class B and class C felonies to the list of offenses for which  
13 deferred acceptance of plea (DAG or DANC) is not permitted; and

14  
15           WHEREAS, the Senate Committee on Judiciary and Hawaiian  
16 Affairs determined that these proposed changes to the Hawaii  
17 Penal Code may have serious implications and that such  
18 significant changes required further in-depth review and  
19 examination; now, therefore,

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21           BE IT RESOLVED by the Senate of the Twenty-third  
22 Legislature of the State of Hawaii, Regular Session of 2006, the  
23 House of Representatives concurring, that a task force be  
24 convened to study and determine whether changes should be made  
25 to the sentencing requirements for repeat criminal offenders;  
26 and

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28           BE IT FURTHER RESOLVED that the task force shall be  
29 comprised of the following members:

- 30  
31           (1) The Attorney General, or the Attorney General's  
32 designee;



- 1 (2) The Director of Public Safety, or the Director's
- 2 designee;
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- 4 (3) The Director of the Hawaii Paroling Authority, or the
- 5 Director's designee;
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- 7 (4) One member from each county's prosecuting attorneys'
- 8 office;
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- 10 (5) An attorney from the Office of the Public Defender;
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- 12 (6) A commissioner from each county's police department or
- 13 their designee;
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- 15 (7) One member from the Hawaii State Bar Association;
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- 17 (8) One member from the Criminal Defense Bar;
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- 19 (9) One member from the Hawaii State Judiciary;
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- 21 (10) One member from the faculty of the University of
- 22 Hawaii, Williams S. Richardson School of Law; and
- 23
- 24 (11) One member from the public appointed by the Governor;
- 25

26 and

27  
28 BE IT FURTHER RESOLVED that the faculty member from the  
29 William S. Richardson School of Law shall serve as the  
30 chairperson and facilitator of the task force for organizational  
31 purposes; and

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33 BE IT FURTHER RESOLVED that the task force's missions shall  
34 be to:

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- 36 (1) Determine the initial question of whether section
- 37 706-606.5, Hawaii Revised Statutes, dealing with
- 38 sentencing for repeat offenders, should be expanded to
- 39 include additional offenses and if so, to determine
- 40 which offenses should be included;
- 41
- 42 (2) Determine whether the calculation of time for
- 43 determining the period of eligibility for repeat



1 offender sentencing should be modified, and if so, how  
2 it should be modified;

3  
4 (3) Determine whether additional types of class B and  
5 class C felonies should be added to the list of  
6 offenses for which a deferred acceptance of plea (DAG  
7 or DANC) is not permitted, and if so which offenses  
8 should be added; and

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10 (4) Prepare proposed legislation;

11  
12 and

13  
14 BE IT FURTHER RESOLVED that this resolution does not  
15 require the task force to examine S.B. 2260, Hawaii's "three  
16 strike law"; and

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18 BE IT FURTHER RESOLVED that the task force shall provide  
19 the Legislature with its report, including proposed legislation,  
20 at least twenty days prior to the convening of the Regular  
21 Session of 2007; and

22  
23 BE IT FURTHER RESOLVED that certified copies of this  
24 Concurrent Resolution be transmitted to the Attorney General,  
25 the Director of Public Safety, the Director of the Hawaii  
26 Paroling Authority, each county's prosecuting attorneys' office,  
27 the Office of the Public Defender, the Commissioner of each  
28 county's police department, the President of the Hawaii State  
29 Bar Association, the Chief Justice of the Hawaii Supreme Court,  
30 the Dean of the William S. Richardson School of Law, and the  
31 Governor.

