

STAND. COM. REP. NO.

299

Honolulu, Hawaii

FEB 13 , 2023

RE: H.B. No. 862
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 862 entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this measure is to authorize inmates to petition the Judiciary to review orders by the Hawaii Paroling Authority fixing minimum terms of imprisonment.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawai'i Association of Criminal Defense Lawyers, and one individual. Your Committee received testimony in opposition to this measure from the Judiciary and Hawaii Paroling Authority.

Your Committee finds that the existing procedure for judicial review of orders fixing minimum terms of imprisonment is unduly burdensome and unfair for indigent inmates. The existing procedure requires an inmate to file a new cause of action, create their own record, and raise legal issues. The existing procedure also does not entitle inmates to representation by the Office of the Public Defender. This measure provides a new procedure for inmates to seek review of orders fixing the minimum terms of imprisonment.

2023-1385 HB862 HD1 HSCR HMSO



Your Committee has amended this measure by:

- (1) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) 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. 862, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 862, 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,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSC 299

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <p style="text-align: center; font-size: 18pt; font-weight: bold;">HB 862</p>	Committee Referral: <p style="text-align: center; font-size: 18pt; font-weight: bold;">JHA, FIN</p>	Date: <p style="text-align: center; font-size: 18pt; font-weight: bold;">02/07/2023</p>		
<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. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru	/			
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	10	-	-	-
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				