

## ACT 124

H.B. NO. 1749

A Bill for an Act Relating to Criminal Offenses.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. (a) The legislative reference bureau shall continue the review process commenced under House Concurrent Resolution No. 261, H.D. 1, S.D. 1, 2004, by periodically identifying, reviewing, and analyzing, to the extent possible, all state statutes (other than the Hawaii Penal Code) and rules that establish:

- (1) Criminal offenses specifically denominated as misdemeanors or petty misdemeanors; or
- (2) Criminal offenses that authorize imprisonment or fines in excess of \$1,000, or both,

but that involve conduct for which, typically, only a fine is imposed.

(b) The legislative reference bureau shall provide the judiciary with a list of the offenses identified pursuant to subsection (a)(1) and (2). The judiciary shall then identify any offenses that involve conduct for which, typically, only a fine is imposed and those that most frequently appear before the courts. The legislative reference bureau shall contact the state departments or agencies that have jurisdiction over the offenses identified by the judiciary and request their input as to whether and the extent to which the offenses can be decriminalized without undermining their ability to enforce laws within their jurisdiction.

(c) The legislative reference bureau shall recommend changes to the penalties imposed by the state statutes and rules identified pursuant to subsection (a) that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions. The legislative reference bureau shall submit a report of its findings and recommendations, including suggested legislation, no later than twenty days prior to the convening of the next regular session of the legislature.

## **ACT 124**

**SECTION 2.** Any state agency may recommend state statutes or rules to the legislative reference bureau for consideration for possible decriminalization under this Act.

**SECTION 3.** This Act shall take effect upon its approval.

(Approved June 15, 2005.)