

STAND. COM. REP. NO.

958

Honolulu, Hawaii

MAR 22 2017

RE: H.B. No. 1246
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1246, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ALTERNATIVES TO INCARCERATION, "

begs leave to report as follows:

The purpose and intent of this measure is to authorize electronic monitoring and surveillance of offenders, separate from curfew, in programs that offer alternatives to incarceration.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu. Your Committee received comments on this measure from the Department of Public Safety and Office of Hawaiian Affairs.

Your Committee finds that overcrowding of prisons poses a significant threat to the health, safety, and welfare of the public. Therefore, it is important to explore and implement alternatives to incarceration. One effective alternative to incarceration that should be authorized is the use of electronic monitoring and surveillance for certain offenders who do not pose a significant risk to the community. Your Committee, however,



understands the concerns of the Honolulu Department of the Prosecuting Attorney regarding ambiguities about the use of electronic monitoring or surveillance as written in this measure that may allow offenders to be released into home detention or curfew-based programs without any electronic monitoring. Accordingly, your Committee has amended this measure by:

- (1) Re-inserting language to allow the use of electronic monitoring or surveillance for alternative incarceration curfew programs; and
- (2) Allowing for the use of global positioning devices to monitor or surveil offenders.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1246, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1246, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

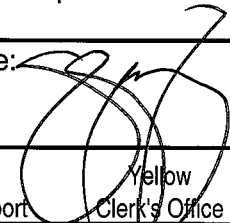


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 1246, HD 2	Committee Referral: PSM, WAM	Date: 3/14/17		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes