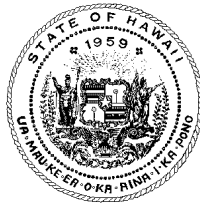


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL (SB) 213 SENATE DRAFT (SD) 1
A BILL RELATING TO THE HAWAII PENAL CODE

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair

Friday, February 27, 2015, 9:00 AM
State Capitol, Conference Room 211

Chair Tokuda, Vice Chair Kouchi, and Members of the Committee:

Department of Public Safety (PSD) would like to recommend changes related to SB 213 SD1 which requires PSD to provide written notice to specific incarcerated offenders serving a criminal sentence.

PSD would like to recommend that your Committee amend the language in SB 213 SD1, Section 1, Item 3 and 3b as follows:

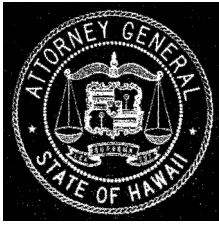
“For defendants serving a term of imprisonment imposed prior to June 18, 2008, the department of public safety will post in all inmate housing units and the facility library at each facility for a period of two (2) months a written notice, which shall include but not be limited to:”

(a) Notice that the department of public safety may recalculate the multiple terms of imprisonment on the defendant; and

(b) “Notice that the defendant may to pursue review of the defendant’s sentence at the court’s discretion.”

PSD recommends the posting methodology, as it will provide sufficient notice to the inmates affected by this measure.

Thank you for this opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 213, S.D. 1, RELATING TO THE HAWAII PENAL CODE.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Friday, February 27, 2015

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Tokuda and Members of the Committee:

The Department of the Attorney General provides the following comment.

The Department suggests amending wording in 3(b) on page 2, lines 4-5, of this measure to read as follows: “Notice *that defendants may petition the court for clarification or correction* of their sentence or sentences *when good cause exists.*” (Suggested amendments to currently proposed wording are emphasized.)

We make this suggestion understanding that the intent of the measure is not to provide an additional appeal or right to reconsideration of a prior sentence, but to provide notice to inmates who may have valid reasons to challenge the application of the sentences rendered by the court. Not all inmates have multiple sentences and not all inmates have a valid reason for seeking review.

We respectfully ask that the recommended amendment be made before the Committee passes this bill.