

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1961
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1961 entitled:

"A BILL FOR AN ACT RELATING TO BAIL,"

begs leave to report as follows:

The purpose of this measure is to require that bail bonding agents be licensed, to authorize that the Department of Commerce and Consumer Affairs to adopt rules for the process of obtaining a bail bonding agent license. This bill will also require the Department of the Attorney General to establish and maintain files regarding the criminal background checks for bail fugitive recovery personnel and will create a number of prohibited activities for bail bonding agents along with civil and criminal penalties.

Your Committee received testimony in support of the bill from David Hyatt, a member of the Bail Advisory Committee from Colorado. Your Committee received testimony in opposition from the Attorney General's Office. Testimony from the State Insurance Commissioner took no position on the bill but indicated that bonding agents and bail fugitive recovery personnel should be regulated.

Your Committee amended the bill by deleting all references to bail fugitive recovery personnel since they are not currently being regulated and may require a sunrise study by the State Auditor as a precondition to licensure.



Your Committee further amended the bill by providing for licensing requirements for bail bond agents and by providing penalties for the prohibited activities of a licensed bail agent.

Your Committee further amended the bill by specifying procedures for the exoneration of bond liability by specifying enforcement procedures for compensated sureties.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1961, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1961, S.D. 1, and be placed on the calendar for Third Reading.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1961	JDL	2/26/07
<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	
HEE, Clayton (C)	/	
KOKUBUN, Russell S. (VC)	/	
INOUE, Lorraine R.	/	
NISHIHARA, Clarence K.	/	
GABBARD, Mike	/	
TOTAL	5	
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original	Yellow	Pink
File with Committee Report	Clerk's Office	Drafting Agency

*Only one measure per Record of Votes