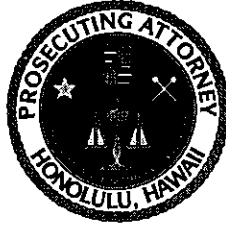


DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE FAYE HANAHOANO, CHAIR
HOUSE PUBLIC SAFETY COMMITTEE**

**Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i**

January 28, 2010

RE: H.B. 2275; RELATING TO SENTENCING.

Chair Hanohano and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney submits the following testimony in opposition to H.B. 2275.

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) section 706-606.5 regarding repeat offender sentencing. The bill provides that upon a finding of strong mitigating circumstances, the sentencing court can sentence certain drug offenders to house arrest, electronic monitoring, drug court, regimental discipline or treatment instead of a mandatory minimum term of imprisonment.

We strongly oppose this bill because we believe it is based upon a mistaken belief that these offenders have not had the opportunity for less serious sanctions and treatment. All of these offenders have had multiple opportunities for assessment and treatment as a condition of their previous convictions. They have had opportunities for drug court, deferred pleas with expungement under HRS chapter 853, conditional discharge with expungement under HRS sections 712-1255 and 1256, probation and mandated probation with treatment and expungement under HRS sections 706-622.5 and 706-622.9. While on probation, their probation officers have made many efforts to get the offender into treatment and programs and when the offender has failed enough for a motion to revoke to be filed, these offenders are generally resentenced back on probation and treatment. The fact that they are now under repeat offender sentencing indicates that they have not been amenable to changing their behavior and that more serious sanctions should be applied to encourage these offenders to change. We believe that the state's sentencing policy regarding repeat offenders should not minimize the consequences of repeated illegal behavior after numerous opportunities to change.

For these reasons, we oppose the passage of H.B. 2275 and respectfully request that you hold this bill.

aquino1-Ruffalyne

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 26, 2010 9:03 PM
To: PBStestimony
Cc: mattrifkin28@gmail.com
Subject: Testimony for HB2275 on 1/28/2010 9:45:00 AM

Testimony for PBS 1/28/2010 9:45:00 AM HB2275

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Matthew Rifkin
Organization: Individual
Address: 475 Kinoole St, PMB 167 Hilo, HI 96720
Phone: 917-378-9123
E-mail: mattrifkin28@gmail.com
Submitted on: 1/26/2010

Comments:

It is costly to send one of our prisoners to the mainland. (As much as \$80,000 a year I think.) In these difficult financial times, this measure makes sense.

For someone to be sentenced to jail time for non violent drug possession is a terrible, and excessive punishment. It will ruin that person's future chances to be a productive member of society, and eventually cost the state even more money.

Stop the drug war. Stop incarcerating people simply for what they put into their bodies. Show compassion for people addicted to drugs by giving them help, not putting them in prison.