

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 1067
S.D. 1
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1067, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify that the records and information in a defendant's adult probation record that relate to the defendant's:

- (1) Risk assessment and need for treatment services;
- (2) Past treatment received and risk assessments conducted;
and
- (3) Therapeutic or rehabilitative treatments that benefitted the defendant,



may be provided to treatment service providers upon the screening for admission of the defendant into a program.

Your Committee on Conference finds that this measure will allow access by a substance abuse service provider to the results of an offender's risk/need profile as part of the provider's determination of the offender's admission into a treatment program. Currently, an offender's risk information is not provided to a service provider until after an offender is admitted to a program. However, offender risk information is needed to avoid mixing high-risk offenders with low-risk offenders. Because not all service providers provide high-risk offender treatment, the information is needed to match offenders with the most appropriate programs. Not having this risk information prior to admission means that a high-risk offender who is admitted to a low-risk program may be dismissed from the program. Additionally, the treatment plan developed for the offender may not address certain risk factors such that the offender does not receive programmed approaches that could have helped the offender cope with risk tendencies such as aggression and dominance.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2011.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1067, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1067, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



 HENRY J. AQUINO, Co-Chair



 CLAYTON HEE, Chair



 KARL RHOADS, Co-Chair



 MAILE SHIMABUKURO, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1067, SD 1, HD 2					Date/Time: <i>4/27/11, 3:55 pm</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				AQUINO, Henry J.C., Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
SLOM, Sam				✓	BROWER, Tom	✓			
					CULLEN, Ty	✓			
					FONTAINE, George R.	✓			
TOTAL	<i>2</i>			<i>1</i>	TOTAL	<i>5</i>			
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input checked="" type="checkbox"/> Not Adopted <i>MS</i>					<input type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
<i>[Signature]</i>					<i>[Signature]</i>				
Distribution:									
Original <i>File with Conference Committee Report</i>			Yellow <i>House Clerk's Office</i>			Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>	