

Honolulu, Hawaii

May 1, 2012

RE: H.B. No. 2515
H.D. 3
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2515, H.D. 3, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

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:

- (1) Allow for the sentence of probation for certain second-time drug offense convictions;
- (2) Clarify that a person sentenced to probation shall be eligible for only one expungement as a first time drug offender;
- (3) Allow for probation for a period of four years for certain class B or class C felonies; and



- (4) Require the defendant's probation officer to report to the court concerning the defendant's compliance with conditions of probation for early discharge.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that a person sentenced to probation as a first time drug offender who has not been previously sentenced to probation as a drug offender shall be eligible for one time only for expungement;
- (2) Clarifying that prior to granting early discharge, the defendant's probation officer must report to the court concerning the defendant's non-compliance, in addition to the defendant's compliance with the conditions of the defendant's probation; and
- (3) Specifying that the five year probation period for specified classes of class B or C felonies and the four year probation period for all other classes of class B and C felonies apply only to felonies committed on or after January 1, 2013.

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 H.B. No. 2515, H.D. 3, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2515, H.D. 3, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Will Espero

WILL ESPERO, Chair

Henry J.C. Aquino

HENRY J.C. AQUINO, Co-Chair

Clayton Hee

CLAYTON HEE, Co-Chair

Gilbert Keith-Agasan

GILBERT KEITH-AGASAN, Co-Chair

Michelle Vidani

MICHELLE VIDANI, Co-Chair

Marcus R. Oshiro

MARCUS R. OSHIRO, Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: HB 2515, HD 3, SD 2	Date/Time: 4/27/12 3:25 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

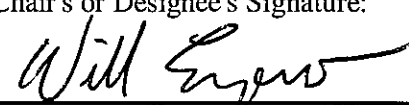

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

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
ESPERO, Will, Chr.	✓				AQUINO, Henry J.C., Co-Chr.	✓			
HEE, Clayton, Co-Chr.				✓	KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				OSHIRO, Marcus R., Co-Chr.	✓			
IHARA, Les, Jr.	✓				CULLEN, Ty	✓			
					ITO, Ken	✓			
					FONTAINE, George R.	✓			
TOTAL	3			1	TOTAL	6			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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