

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 106
S.D. 1
H.D. 1
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. 106, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

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 apply Act 193, Session Laws of Hawaii 2008 (Act 193), relating to requiring concurrent sentencing of multiple terms of imprisonment unless otherwise ordered by the court, to all terms of imprisonment imposed on, before, or after the effective date of that Act.

Your Committee on Conference finds that Act 193, when it was enacted in 2008, was intended to apply to all terms of imprisonment, including terms of imprisonment that were imposed by the courts prior to June 18, 2008, the effective date of the Act.



Your Committee on Conference notes that the recalculation of an inmate's terms of imprisonment pursuant to Act 193 is not to be construed as correcting a sentencing error, as a resentencing of the inmate, or a reopening of the court's final judgment. The Act simply requires the Department to recalculate an inmate's terms of imprisonment, at the written request of the inmate, in compliance with the legislative policy on imprisonment that is expressed in Act 193, and to release the inmate if warranted by the recalculation.

Your Committee on Conference has amended this measure by:

- (1) Inserting an effective date of July 1, 2011; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 106, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 106, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

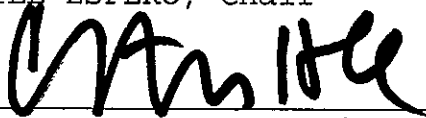
ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


GILBERT KEITH-AGAPAN, Co-Chair


KARL RHOADS, Co-Chair


WILL ESPERO, Chair


CLAYTON HEE, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 106, SD 1, HD 1	Date/Time: 4/25/11 4:16 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.

<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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ESPERO, Will, Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
HBE, Clayton, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
SHIMABUKURO, Maile S.L.	✓				BROWER, Tom	✓			
					ITO, Ken				✓
					SOUKI, Joseph M.				✓
TOTAL	3				TOTAL	3			2

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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