

Honolulu, Hawaii

APR 05 2012

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

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

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 2515, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent 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 as a first or second time drug offender who had not previously been sentenced under the sentencing statute shall be eligible for one time only for expungement;
- (3) Allow for probation for a period of four years for certain class B or class C felonies; and
- (4) Requires the defendant's probation officer to report to the court concerning the defendant's compliance or non-compliance with conditions of probation.

Written comments in support of this measure were submitted by the Judiciary; Department of Public Safety; Office of Public Defender; Office of Hawaiian Affairs; Hawaii Substance Abuse Coalition; Community Alliance on Prisons; and the American Civil Liberties Union of Hawaii. Written comments in opposition to this



measure were submitted by the Police Department of the City and County of Honolulu. Written comments were submitted by the Department of the Prosecuting Attorney.


Your Committee finds that the rates of crime, victimization, and arrests and felony convictions for violent and property crimes have declined, while the number of persons incarcerated or under probation supervision, in some cases, has increased. Your Committee also finds that existing law requires the courts to impose a prison sentence for an offender who has a second felony conviction for drug possession. This measure amends the law to allow for second-time drug offenders to be eligible for probation.

Your Committee has amended this measure by:

- (1) Clarifying that a person sentenced to probation as a first or second time drug offender shall be eligible for only one expungement; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2515, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2515, H.D. 3, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
#B2515 HD3SD1	PGM/JDL, WAM	3-29-12		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
FUKUNAGA, Carol	✓			
KIM, Donna Mercado	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.				✓
RYAN, Pohai	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	13	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes