

STAND. COM. REP. NO. 1237

Honolulu, Hawaii
March 28, 2013

RE: S.B. No. 194
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 194, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose of this measure is to exclude from eligibility for a deferred acceptance of guilty plea:

- (1) Petty misdemeanor offenses if the defendant has been previously granted a deferred acceptance of guilty plea for any prior offense and the term of deferral has not yet expired; and
- (2) Prostitution, where the defendant is the soliciting party; street solicitation of prostitution; solicitation of prostitution near schools or public parks; or habitual solicitation of prostitution.

The Pacific Alliance to Stop Slavery, Tahiri Association, Courage House Hawaii, and numerous individuals supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, and IMU Alliance offered comments on the measure.

Your Committee has amended this measure by:

- (1) Deleting the exclusion for petty misdemeanor offenses if the defendant has been previously granted a deferred acceptance of guilty plea for any prior offense and the term of deferral has not yet expired; and
- (2) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 194, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 194, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



