

Honolulu, Hawaii

APR 22 2015

RE: H.C.R. No. 155

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.C.R. No. 155 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL COUNCIL
TO APPOINT A COMMITTEE TO REVIEW AND RECOMMEND REVISIONS TO
THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Judicial Council to appoint a committee to review the Hawaii Penal
Code and recommend to the Legislature revisions to the Code that
the committee concludes will help to ensure that sentences are
fair and proportionate to the crime committed with particular
attention paid to Hawaii Penal Code sections that base culpability
on dollar amounts.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs; Crime Victim Compensation
Commission; Community Alliance on Prisons; Ho'omana Pono, LLC; and
three individuals. Your Committee received comments on this
measure from the Judiciary and Legislative Reference Bureau.

Your Committee finds that approximately every decade since
1983, the Legislature has convened a committee to conduct a
comprehensive review of the Hawaii Penal Code. Your Committee
notes that there are several concurrent resolutions that are
currently moving through the legislative process that provide for
a limited review concerning specified sentencing provisions of the
Hawaii Penal Code. This measure provides for a more comprehensive



review of the Hawaii Penal Code that is a more prudent and cost effective mechanism to ensure that sentences are fair and proportionate to the crime committed.

Your Committee has amended this measure by:

- (1) Inserting language regarding other concurrent resolutions that were introduced during the Regular Session of 2015 and relate to specified sentencing provisions of the Hawaii Penal Code;
- (2) Adopting the language suggested by the Office of Hawaiian Affairs that specifies its representative be the Administrator of the Office of Hawaiian Affairs or the Administrator's designee;
- (3) Adopting the language suggested by the Crime Victim Compensation Commission that would allow the review committee to invite more than one representative from victim advocacy groups; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 155, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 155, S.D. 1.


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


GILBERT S.C. KEITH AGABAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HCR 155	Committee Referral: JDL	Date: 4/17/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)				✓
ESPERO, Will				✓
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	3
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