

Honolulu, Hawaii

MAY 01 2015

RE: S.B. No. 213  
S.D. 2  
H.D. 3  
C.D. 1

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

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 213, S.D. 2, H.D. 3, 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 require the Department of Public Safety (Department), no later than six months of the effective date of this measure, to send written notice to those defendants who had terms of imprisonment imposed prior to June 18, 2008:

- (1) Notice that the Department may recalculate the multiple terms of imprisonment imposed on the defendant; and
- (2) Notice of the defendant's right to have the court review the defendant's sentence.



Your Committee on Conference finds that prior to 2008, section 706-668.5, Hawaii Revised Statutes, relating to imposition of multiple terms of imprisonment, provided that the terms run consecutively unless the court specifically ordered that the terms run concurrently. Act 193, Session Laws of Hawaii 2008, amended section 706-668.5, Hawaii Revised Statutes, and provided that multiple terms of imprisonment run concurrently unless the court specifically orders that the terms run consecutively. This measure attempts to bring parity to the treatment of defendants sentenced to multiple terms prior to the effective date of Act 193, which is June 18, 2008, and those sentenced to multiple terms after that date while providing defendants with adequate notice regarding the possibility of their multiple terms of imprisonment being recalculated by the Department and their rights to have the court review their sentences.

Your Committee on Conference has amended this measure by:

- (1) Requiring the Department to post written notice in all inmate housing units and the facility library at each correctional facility for a period of two months;
- (2) Requiring the Department to send written notice no later than January 1, 2016, rather than within six months of the effective date of this measure, to defendants with terms of imprisonment imposed prior to June 18, 2008; and
- (3) Inserting an effective date of July 1, 2015.

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. 213, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 213, S.D. 2, H.D. 3, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

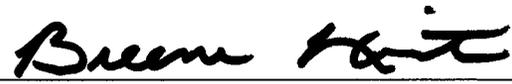
  
\_\_\_\_\_  
GREG TAKAYAMA, Co-Chair

  
\_\_\_\_\_  
KARL RHOADS, Co-Chair

  
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AARON LING JOHANSON, Co-Chair

  
\_\_\_\_\_  
GILBERT S.C. KEITH-AGARAN, Chair

  
\_\_\_\_\_  
WILL ESPERO, Co-Chair

  
\_\_\_\_\_  
BREENE HARIMOTO, Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 213, SD 2, HD 3</b>	Date/Time: <b>5/15 10:19 AM</b>
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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
KEITH-AGARAN, Gilbert S.C., Chr.	✓				TAKAYAMA, Gregg, Co-Chr.	✓			
ESPERO, Will, Co-Chr.				✓	RHOADS, Karl, Co-Chr.	✓			
HARIMOTO, Breene, Co-Chr.	✓				JOHANSON, Aaron Ling, Co-Chr.	✓			
DELA CRUZ, Donovan M.	✓				WOODSON, Justin H.				✓
SLOM, Sam	✓				TUPOLA, Andria P.L.	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>	<b>TOTAL</b>	<b>4</b>			<b>1</b>

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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**Distribution:**                      **Original**                      **Yellow**                      **Pink**                      **Goldenrod**  
File with Conference Committee Report                      House Clerk's Office                      Senate Clerk's Office                      Drafting Agency