

STAND. COM. REP. NO. 1125

Honolulu, Hawaii  
March 27, 2015

RE: S.B. No. 213  
S.D. 2  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 213, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Public Safety to post written notices in all inmate housing units and correctional facility libraries for a period of two months that defendants sentenced prior to June 18, 2008, may be eligible for recalculation of their multiple terms of imprisonment and have a right to petition the court for clarification or correction of their sentence when there is good cause; and
- (2) Require petitions for clarification or correction of a sentence to be served on the Department of Public Safety and the Department of the Attorney General as parties of interest, and the appropriate prosecuting attorney.



The Department of Public Safety, Department of the Prosecuting Attorney of the City and County of Honolulu, American Civil Liberties Union of Hawaii, and a concerned individual supported this measure. The Office of the Public Defender, Community Alliance on Prisons, and Hawaii Innocence Project supported the intent of this measure.

Your Committee has amended this measure by:

- (1) Requiring the Department of Public Safety to send written notice to defendants with multiple terms of imprisonment imposed prior to June 18, 2008, within six months of the effective date of this measure;
- (2) Requiring the written notice to include notice of the defendant's right to have the court review the defendant's sentence and deleting the good cause requirement for submission of a petition for clarification or correction;
- (3) Deleting the requirements for service of a petition; and
- (4) 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. 213, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 213, S.D. 2, H.D. 2.

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



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KARL RHOADS, Chair



