

STAND. COM. REP. NO. 710

Honolulu, Hawaii

MAR 06 2015

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

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

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 213, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide certain notices to defendants who had multiple terms of imprisonment imposed prior to June 18, 2008.

More specifically, the measure requires the Department of Public Safety, no later than six months prior to a defendant's scheduled date of release, to send written notice to those defendants who had terms of imprisonment imposed prior to June 18, 2008, that:

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

Your Committee received written comments on this measure from the Department of Public Safety and the Department of the Attorney General.

Your Committee finds that prior to 2008, section 706-668.5, Hawaii Revised Statutes, relating to imposition of multiple terms

SB213 SD2 SSCR LRB 15-1890.doc



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, June 18, 2008, and those sentenced to multiple terms after that date.

Your Committee finds that, as written, this measure may not provide defendants with adequate notice, as intended. Accordingly, your Committee has amended this measure by requiring that notice:

- (1) Be posted at all inmate housing units and the facility library for a period of two months, rather than sending written notice to the defendant six months prior to the release date; and
- (2) State that a defendant may petition the court for clarification or correction of their sentence or sentences when good cause exists.

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

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

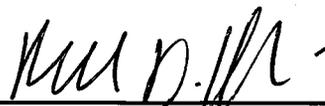


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 213 SD1	JDL/PSM, WAM	2/27/15		
<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
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	11	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes