

STAND. COM. REP. NO.

1481

Honolulu, Hawaii

MAR 25 , 2021

RE: S.B. No. 1260
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1260, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PRETRIAL REFORM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Eliminate the use of monetary bail and require defendants to be released on their own recognizance for traffic offenses, violations, and nonviolent petty misdemeanor and misdemeanor offenses, with certain exemptions; and
- (2) Create a rebuttable presumption regarding release and detention for certain offenses and specify circumstances in which these presumptions apply.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawai'i Correctional System Oversight Commission, Office of the Public Defender, Office of the Prosecuting Attorney of the County of Kaua'i, Common Cause Hawaii, Young Progressives Demanding Action, Hawai'i Friends of Restorative Justice, Imua Alliance, Community Alliance on Prisons, Americans for Democratic Action, Native Hawaiian Legal Corporation, Hawai'i

2021-2464 SB1260 HD1 HSCR HMSO



Health & Harm Reduction Center, R Street Institute, Hawai'i Association of Criminal Defense Lawyers, and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the County of Maui, and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Hawaii Disability Rights Center, American Civil Liberties Union of Hawai'i, and two individuals.

Your Committee finds that Hawaii's bail system is overwhelmed, inefficient, and ineffective, and continues to result in harmful, unnecessary socioeconomic impacts on low-income individuals and their families, a disproportionate number of whom may be Native Hawaiian. This measure seeks to reduce unnecessary pretrial incarceration and its cost to taxpayers and the community while maintaining public safety.

Your Committee has amended this measure by:

- (1) Amending its purpose section;
- (2) Amending the eligibility requirements for non-monetary bail;
- (3) Amending the conditions under which a court may set bail for nonviolent offenders;
- (4) Deleting language that would create a rebuttable presumption regarding release and detention for certain offenses and specify circumstances in which these presumptions apply;
- (5) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1260, S.D. 1, as amended herein, and recommends that it



pass Second Reading in the form attached hereto as S.B. No. 1260, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

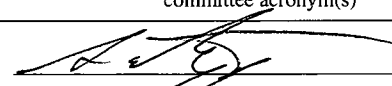
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 1260 SD1	Committee Referral: JHA, FIN	Date: 3-16-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene			✓	
TOTAL (12)	10	0	1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				