

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2196
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 2196 entitled:

"A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the law enforcement officer independent review board within the Department of the Attorney General to investigate deaths while in law enforcement custody and shootings involving a law enforcement officer where an individual is injured.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Libertarian Party of Hawaii, Common Cause Hawaii, and eleven individuals. Your Committees received testimony in opposition to this measure from the Department of the Prosecuting Attorney for the County of Maui. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that news coverage of recent events have caused significant public outcry for increased oversight of law enforcement in Hawaii. This measure would allow for greater transparency of law enforcement operations and accountability for law enforcement actions taken by officers. The establishment of an independent review board for law enforcement officers is in the



public interest and will benefit law enforcement agencies with an additional layer of independent review.

Your Committees note the concerns expressed by the Department of the Attorney General regarding this measure and finds that amendments are necessary to incorporate language proposed by the Department.

Your Committees have amended this measure by:

- (1) Adopting the language proposed by the Department of the Attorney General, which:
 - (A) Adds a definition for "officer-involved death or serious bodily injury";
 - (B) Changes the composition of the board;
 - (C) Amends the scope of the board's duties and investigation and reporting procedures of the board; and
 - (D) Allows the expenditure of monies in the criminal forfeiture fund for the payment of expenses arising in connection with the law enforcement officer independent review board, excluding independent review board investigators; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2196, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2196, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

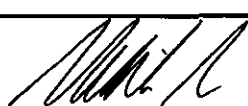
Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB2196	Committee Referral: PSM/JDL, WAM	Date: 2/16/16		
<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
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.	/			
SLOM, Sam	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Will Espero</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

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2196	Committee Referral: PSM/JDL, WAM	Date: 2/17/16		
<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)	/			
GABBARD, Mike	/			
[REDACTED]				
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	5			1
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				

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