

Honolulu, Hawaii

FEB 14 2022

RE: S.B. No. 3085  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 3085 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CODE OF MILITARY  
JUSTICE,"

begs leave to report as follows:

The purpose and intent of this measure is to update the  
Hawaii Code of Military Justice by repealing chapter 124A, Hawaii  
Revised Statutes, and adding a new chapter to promote order and  
discipline in the State Military Forces by fostering an  
independent military justice system and updating nonjudicial  
punishment and courts-martial procedures.

Your Committee received testimony in support of this measure  
from the Department of Defense and Veterans of Foreign Wars of the  
United States, Department of Hawaii. Your Committee received  
comments on this measure from the Judiciary.

Your Committee finds that the Hawaii Code of Military Justice  
was originally enacted in 1982. The update proposed in this  
measure was developed in coordination with the Judiciary and is  
needed to give commanders the tools they need to maintain good  
order and discipline within the State Military Forces while  
simultaneously protecting the due process rights of service  
members. Additionally, the changes proposed in this measure were  
based on a model provided by the National Guard Bureau and will



bring non-judicial punishment and court-martial procedures further in line with the Uniform Code of Military Justice. Your Committee believes that this measure will further develop confidence in an independent military justice system by repealing chapter 124A, Hawaii Revised Statutes, and adding a new chapter to update nonjudicial punishment and courts-martial procedures and promote order and discipline in the State Military Forces.

Your Committee has amended this measure by:

- (1) Deleting language that would have restricted the appellate courts' inherent judicial powers to completely review matters that come properly before the courts; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3085, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3085, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

*Clarence K. Nishihara*

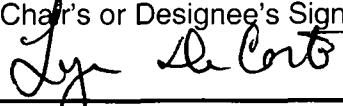
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CLARENCE K. NISHIHARA, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3085	PSM, JDC	2/8/2022		
<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)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes