

STAND. COM. REP. NO. 912

Honolulu, Hawaii

March 2, 2007

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1260 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this bill is to restore the court's authority to order a mental or medical examination of a defendant before sentencing.

Your Committee received testimony in support of this measure from the Attorney General and the Honolulu Department of the Prosecuting Attorney. The Office of the Public Defender did not support this measure.

Your Committee finds that the provisions contained in this bill restore the court's authority for presentence mental or medical examinations that was inadvertently repealed by Act 112, Session Laws of Hawaii 2005. Restoring the authority for presentence mental or medical examinations allows the court to better evaluate certain defendants to determine the most appropriate sentence.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2112, to encourage further discussion; and

HB1260 HD1 HSCR JUD HMS 2007-2597

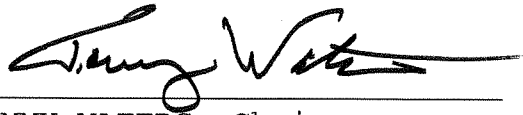


912

- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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 H.B. No. 1260, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1260, H.D. 1.

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



TOMMY WATERS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 912

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1260		Date: <i>2/22/7</i>		
Committee Referral: HLT, JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	✓			
2. OSHIRO, Blake K. (VC)				✓
3. CALDWELL, Kirk				✓
4. EVANS, Cindy				✓
5. GREEN, Josh, M.D.	✓			
6. ITO, Ken	✓			
7. LUKE, Sylvia				✓
8. McKELVEY, Angus L.K.				✓
9. MORITA, Hermina M.				✓
10. SONSON, Alex M.				✓
11. SOUKI, Joseph M.		✓		
12. TSUJI, Clift	✓			
13. YAMANE, Ryan I.	✓			
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.	✓			
16. PINE, Kymberly Marcos	✓			
17. THIELEN, Cynthia				✓
TOTAL	<i>8</i>	<i>1</i>	<i>0</i>	<i>8</i>
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) – HMSO Duplicate (Pink) – Clerk's Office				