

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 1152
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1152, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this measure is to conform Hawaii's extended
term sentencing law to address the constitutional issues raised in
federal court cases as to its permissible parameters.

Your Committee received testimony in support of the bill from
the Attorney General's Office and the Honolulu Prosecutor's
Office. The Public Defender's Office provided comments on the
bill.

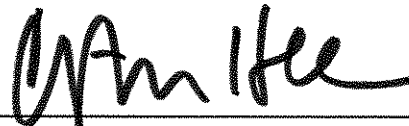
Recent federal court cases have held that any fact, other
than prior convictions, that increases the penalty for a crime
beyond the ordinary statutory maximum, must be submitted to a jury
and proved beyond a reasonable doubt. This measure imposes the
proof "beyond a reasonable doubt" standard as determined by a jury
in order to conform to these recent federal court rulings.

Your Committee amended the bill by deleting references to the
term "poses" since it was a vague standard in determining
dangerousness. Your Committee also amended the bill by changing
the effective date from January 1, 2112 to July 1, 2007.



As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1152, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1152, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB1152, HD1	Committee Referral: JDL	Date: 4-3-07
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:
 Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
KOKUBUN, Russell S. (VC)				✓
INOUE, Lorraine R.	✓			
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
TOTAL	4			1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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