



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Tuesday, March 13, 2018, 9:30 a.m.

State Capitol, Conference Room 016

by

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Probation Administrator, First Circuit

Bill No. and Title: House Bill No. 1667, H.D. 1, Relating to Probation.

Purpose: Makes housekeeping amendment to probation statute consistent with reclassification of certain drug paraphernalia-related offenses from felony to violation.

Judiciary's Position:

The Judiciary supports this bill, which is part of the Judiciary's legislative package. This bill seeks to make the law governing probation for drug offenders consistent with changes to the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes (HRS), enacted under Act 72, Session Laws of Hawai‘i 2017 (Act 72).

Act 72 amended section 329-43.5 (a) and (b), HRS, to reclassify certain offenses related to the use, possession, and delivery of drug paraphernalia. Under Act 72, commission of these offenses is no longer a class C felony, but, rather, a violation punishable by a fine no greater than \$500. Accordingly, this bill excepts such offenses from section 706-622.5(1), HRS, which governs probation eligibility for first or second time offenders convicted of certain criminal drug offenses.

The Judiciary respectfully requests passage of House Bill No. 1667, H.D. 1, but with an amendment that provides for the bill to take effect upon its approval.

Thank you for the opportunity to testify on this measure.