



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 7, 2019, 9:00 a.m.
State Capitol, Conference Room 016

by

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WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 192, Relating to Bail.

Purpose: Authorizes a defendant in custody to petition a court for unsecured bail.

Judiciary's Position:

The Judiciary appreciates the intent of this proposed bill but respectfully suggests that the Committee defer consideration of this bill. The HCR 134 Criminal Pretrial Procedures Task Force proposed significant legislation regarding pretrial release, which may alleviate some of the concerns underlying this bill.

Senate Bill No. 192 authorizes a defendant in custody to petition a court for unsecured bail bond, but does not set forth any procedures with respect to implementation or enforcement. The proposal in this bill requires an agency be designated to monitor the status of any unsecured bonds, and more resources to fund the designated agency. In addition, in the event that the defendant released on unsecured bond does not appear in court, specified procedures regarding the enforcement and collection of the bond are needed because, without enforcement, any incentive for defendants to return to court would be lost.



Senate Bill No. 192, Relating to Bail
Senate Committee on Judiciary
Thursday, February 7, 2019, 9:00 a.m.
Page 2

Moreover, unsecured bonds may not be necessary. In state court, defendants eligible for supervised release are released without any financial obligation. Defendants can be released on their own recognizance, or on supervised release to the Department of Public Safety's Intake Service Center, to a sponsor (often a family member or friend with a stable residence), or to a treatment program. Because non-financial release alternatives are currently available, there is little need for unsecured bonds.

Thank you for the opportunity to testify on this matter.