

SENATE JOURNAL - CONFERENCE COMMITTEE REPORTS

Senators Kanno, Matsuura, Hagino and Reed.
Managers on the part of the Senate.

Representatives Ige, M., Taniguchi, Bunda and Ward.
Managers on the part of the House.

Conf. Com. Rep. No. 60 on S.B. No. 812

The purpose of this bill is to provide an opportunity for the victim, or in certain cases, the victim's family, to be heard on the issue of the defendant's disposition, before sentence is imposed.

Your Committee accepted the basic structure of the House draft but amended the bill to extend the victim's right to be heard to all cases without limitation to those in which the court has ordered a pre-sentence diagnosis and report. The bill is also amended to specify that the right is available only in cases before Circuit Courts. Other technical, nonsubstantive changes were made for the purposes of clarity, consistency and style.

Your Committee is cognizant that in some instances the victim or family may be unable to personally attend a hearing. In such cases, your Committee anticipates that the court will accept and consider written statements for the purpose of allowing an opportunity to be heard.

Your Committee on Conference is in accord with the intent and purpose of S.B. No. 812, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 812, S.D. 1, H.D. 1, C.D. 1.

Senators Levin, Blair, Grauly, Matsunaga and Reed.
Managers on the part of the Senate.

Representatives Tom, Hirono, Menor and Thielen.
Managers on the part of the House.

Conf. Com. Rep. No. 61 on S.B. No. 1363

The purpose of this bill is to amend section 92F-14, Hawaii Revised Statutes (HRS), the Uniform Information Practices Act (Modified) to clarify what type of information, regarding employment-related misconduct, may be disclosed and when such disclosure may be made.

Your Committee finds that the current law regarding disclosure of public employee misconduct has led to confusion, uncertainty and controversy.

A balance needs to be drawn between the public's right to know about government functions and the public employee's right to privacy.

Your Committee notes that this measure appropriately distinguishes between minor and more serious misconduct by focusing on the disciplinary consequences, and protects the employee from the disclosure of information while formal grievance procedures are still in progress. Yet the bill also serves the public at large by refusing to provide further protection from disclosure of misconduct when the employee has exhausted non-judicial grievance procedures, and has been suspended or discharged.

Your Committee also finds that because of the unique responsibilities of police officers, special care must be taken to clearly delineate private conduct from conduct as a government employee.

Your Committee has amended the bill to make technical, nonsubstantive changes for purposes of clarity, consistency and style.

Your Committee on Conference is in accord with the intent and purpose of S.B. No. 1363, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1363, S.D. 2, H.D. 2, C.D. 1.

Senators Levin, McCartney, Matsunaga, Holt and Koki.
Managers on the part of the Senate.

Representatives Yonamine, Tom, Takamine, Takumi and Ward.
Managers on the part of the House.

Conf. Com. Rep. No. 62 on S.B. No. 14

The purpose of the bill, as received by your Committee, was to permit deferred pleas under Chapter 853, Hawaii Revised Statutes, in first-offense prostitution cases and to prohibit expungement pursuant to Section 831-3.2 until four years following discharge. The bill also provided that a plea previously entered by a defendant under section 853-1 for prostitution should be considered a prior offense. The bill further provided that the provisions of Chapter 853, should not apply when the offense charged is promoting prostitution.

Your Committee finds a need to enlarge the scope of persons subject to increased criminal penalties for promoting teenage prostitution. Therefore, your Committee has amended the bill to raise, from fourteen to sixteen, the age of exploited minors which would subject the perpetrator to a first degree charge for the offense of promoting prostitution.

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