

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 692 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 713 Judiciary on S.B. No. 693

The purpose of the bill is to ease the current restrictions on activity of former legislators or their employees.

Your Committee received testimony in support of the bill from the State Ethics Commission and Common Cause.

Your Committee finds the prohibitions on post-employment under existing law to be overly restrictive.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 693 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 714 Judiciary on S.B. No. 1172

The purpose of the bill is to allow magazines with capacities in excess of ten rounds of ammunition to be possessed by persons who are registered owners of pistols which accept the magazines, by dealers licensed pursuant to section 134-31, Hawaii Revised Statutes, and by persons lawfully engaged in firearms repair.

The 1992 Legislature found the use of semiautomatic and automatic firearms to be particularly dangerous, and after extensive deliberation and discussion, passed legislation restricting the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with capacities in excess of ten rounds. The law was passed to protect the public and aid law enforcement in crime prevention and gun control.

It is not the intent of your Committee to undermine the findings of the 1992 Legislature, but your Committee finds that under certain circumstances, magazines with capacities in excess of ten rounds can be used safely. For instance, in the sport of Action Pistol Shooting, magazines with capacities of twenty rounds are often used in competition, locally and nationally. In addition, many law abiding citizens with registered pistols that accept magazines with capacities greater than ten rounds have found it difficult to modify their magazines to conform to the requirements of the law without jeopardizing the reliability of the pistol and the manufacturer's warranty.

In consideration of the competing concerns, your Committee has amended the bill to allow the possession of magazines in excess of ten rounds if certain criteria are met:

- 1) the person has possession or control of the magazine;
- 2) the person is the registered owner of the pistol into which the magazine fits; and
- 3) when the magazine is inserted into the pistol, the ammunition contained in the magazine does not extend beyond the end of the pistol butt.

Your Committee has also removed the bill's proposed amendment to section 134-8(d), Hawaii Revised Statutes, as unnecessary because magazines fitting the above criteria would not be prohibited under section 134-8. Additionally, in accordance with standard statutory drafting techniques your Committee is repealing section 3 of Act 286 instead of section 4, and amending section 4 of Act 286 instead of section 134-8 of the Hawaii Revised Statutes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1172, S.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 715 (Majority) Judiciary on S.B. No. 1363

The purpose of this bill is to amend the Uniform Information Practices Act (Modified), "UIPA", to clarify that identifying information about employment-related misconduct may only be disclosed 30 days after a written decision sustaining the suspension or discharge is rendered at the highest level of non-judicial grievance procedure timely requested by the employee. The information to be disclosed will consist of: the name of the employee; the name of the complainant; the nature of the misconduct; findings of fact and conclusions of law; and the disciplinary action taken against the employee; except that police officers are excluded.

Your Committee finds that the UIPA is intended to be a comprehensive public records law that applies to all State and county agencies and promotes governmental accountability through public access to government records on the one hand while recognizing certain constitutional rights to privacy on the other. Your Committee is aware that the UIPA is a dynamic law and as various situations arise to test its applicability, the fine balance between the public's right to know and an individual's right to privacy is also tested.

Your Committee is also aware that one of the pressing issues of government accountability is the disclosure of employment-related misconduct by its government employees. Your Committee received testimony both in support of and in opposition to this measure and considered the concerns expressed by all those testifying.

To protect the privacy interests of individuals and to not discourage reporting of misconduct, your Committee has amended the bill by deleting the name of the complainant from being disclosed.

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SCRep. 716

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SCRep. 720

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

Signed by all members of the Committee.
Senator Ikeda did not concur.

SCRep. 716 Judiciary on S.B. No. 1556

The purpose of this bill is to clarify criminal offenses for the prosecution of persons making harassing telephone calls.

Your Committee received testimony relative to the bill from the Honolulu City Prosecutor.

Your Committee finds a need to clarify measures designed to protect persons from telephone calls intended to alarm, harass or annoy.

Your Committee has amended the bill by deleting the element of intent in the description of an offense under the statute.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1556, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1556, S.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 717 Judiciary on S.B. No. 1423

The purpose of this bill is to clarify the authority of the Director of Labor and Industrial Relations to assess administrative penalties, to increase the penalty amount from \$1,000 to \$5,000, and to delete the provision for possible imprisonment.

Your Committee received testimony in support of the bill from the Department of Labor and Industrial Relations. ILWU Local 142 expressed some concern about the change in penalties.

Your Committee finds that an expeditious administrative penalty is more appropriate and efficient than a criminal penalty in the context of Workers' Compensation Law.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1423, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 718 Judiciary on S.B. No. 1424

The purpose of this bill is to clarify that the court can render a judgment to enforce a penalty under the Workers' Compensation law.

Current law specifies only that the court can render judgments on compensation.

Your Committee finds that this bill is necessary to ensure proper enforcement of Workers' Compensation penalties.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1424, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 719 Judiciary on S.B. No. 1425

The purpose of this bill is to clarify the authority of the Director of Labor and Industrial Relations to assess administrative penalties for claiming unapproved fees under the Workers' Compensation Law.

Current law provides for a fine of up to \$10,000 or up to one year in jail or both.

This bill eliminates the criminal sanction and establishes the fine as an administrative penalty.

Your Committee finds that this bill will expedite imposition and collection of penalties. Your Committee further finds that criminal sanctions are inconsistent with the intent of the statute.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1425, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 720 Judiciary on S.B. No. 1428