



Testimony to the Twenty-Third State Legislature, 2006 Session
Senate Committee on Intergovernmental Affairs
The Honorable David Y. Ige, Chair
The Honorable Donna Mercado Kim, Vice Chair

Thursday, February 9, 2006
2:45 p.m.
State Capitol, Conference Room 225

by
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WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2430, Relating to Election.

Purpose: The purpose of this measure is to direct the Judiciary to report felony convictions at the time of the actual sentencing of the individual.

Judiciary's Position:

The Judiciary strongly opposes this measure in its present form due to its impact on court operations and its possible conflict with the legislative intent of HRS §806-73.

The Judiciary has provided the counties with copies of the felony conviction to meet their needs under HRS §806-76. This has been accomplished by timely submission of electronic facsimile of court judgments, which contain public information about the felon.

Under Senate Bill No. 2430, the nature of the certification changes from judgments to a certified document that contains the defendant's personal information and information about the current offense. The major concern is the staff time and effort required to satisfy the certification under the proposed legislation. No certified document as proposed by this measure to meet the county election requirements exists without additional resources.



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The second concern is that this information is only available to the courts through a pre-sentence investigation and report of which its content and dissemination is governed by HRS §0806-73. Under HRS §0806-73, the pre-sentence investigation and report is confidential and information can only be released to criminal justice parties.

Given the resource implications to current court operations and the potential infringement of the defendant's confidentiality, the Judiciary strongly opposes this measure in its present form.

Thank you for the opportunity to testify on this measure.