

JAN 19 2007

A BILL FOR AN ACT

RELATING TO HABITUAL VIOLENT FELONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In response to public dissatisfaction in the
2 1990s over what was perceived as ineffective crime reduction
3 policies, twenty-five states and the United States Congress
4 passed three strikes laws, designed to deter criminal offenders
5 by mandating significant sentence enhancements for those with
6 prior convictions. However, few large scale evaluations of the
7 impact of these laws on crime rates have been conducted. A
8 University of Alabama study used a multiple time series design
9 and Uniform Crime Reports data from 188 cities with populations
10 of 100,000 or more for the two decades from 1980 to 2000. The
11 study found that three strikes laws are positively associated
12 with homicide rates in cities in three strikes states, and that
13 these cities did not have significant reductions in crime rates.

14 According to the Uniform Crime Reports, states with neither
15 a three strikes nor a truth-in-sentencing law had the lowest
16 rates of index crimes, whereas index crimes were highest in
17 states with both types of get-tough laws.



1 An October 2005, study by the California legislative
2 analyst found:

3 (1) Differences among counties in the application of the
4 three strikes law;

5 (2) The state's crime rate was declining independently of
6 the three strikes law;

7 (3) Three strikes criminals, as a group, commit a
8 relatively small proportion, about eleven per cent, of
9 the state's total number of felonies; and

10 (4) Some criminal justice research suggests that, for a
11 variety of reasons, the threat of harsh sentences does
12 not have a significant deterrent effect on criminal
13 activity.

14 In California, roughly one-third of three strikes felons
15 are convicted of crimes against persons. The most common
16 offenses for which these felons are currently serving sentences
17 include robbery, burglary, assault, and possession of drugs.
18 Approximately thirty-seven per cent of these felons were
19 convicted of crimes against persons, such as robbery and
20 assault. California's prison system is in crisis with the
21 burgeoning of the population comprised of three strikes felons,



1 including the overburdening load of prison health care for these
2 aging felons.

3 In view of California's experience with a three strikes
4 law, Hawaii's comparable law in Act 81, Session Laws of Hawaii
5 2006, offers no chance for redemption, and can unintentionally
6 sweep nonviolent individuals into its purview as in California.
7 Furthermore, Hawaii statutes presently provide for enhanced
8 sentences of repeat offenders in other sentencing provisions.

9 This purpose of this Act is to repeal the special
10 sentencing of habitual violent felons.

11 SECTION 2. Act 81, Session Laws of Hawaii 2006, is
12 repealed.

13 SECTION 3. This Act shall take effect upon its approval.
14

INTRODUCED BY:

For Alan J...
Gay L. Haun



Report Title:

Sentencing; Habitual Violent Felons

Description:

Repeals Act 81, session laws of Hawaii 2006, for sentencing of habitual violent felons (three strikes law).

