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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that the over-  
2 representation of native Hawaiians in the criminal justice  
3 system is an issue that has not been adequately addressed.

4           The legislature further finds that any racial or ethnic  
5 disparity within the State's criminal justice system fosters  
6 public mistrust of the system and impedes the State's ability to  
7 promote public safety. A commitment to a fair criminal justice  
8 system and functioning democratic society requires addressing  
9 these existing racial and ethnic disparities.

10           According to recent studies, native Hawaiians account for  
11 twenty per cent of the total population but forty per cent of  
12 the prison population. Native Hawaiians average twenty-three  
13 per cent of all arrests in the State, and are twice as likely to  
14 be incarcerated as any other group. In 1999, it was reported  
15 that more than fifty per cent of the female population and more  
16 than sixty per cent of the male population, at the Hawaii Youth  
17 Correctional Facility were native Hawaiian.



1           The high rates of incarceration have profound implications  
2 for native Hawaiians. For example, almost sixty per cent of  
3 children placed in child protective services are native  
4 Hawaiian. Of those children, eight per cent to thirty-three per  
5 cent have incarcerated parents. Studies suggest that adult  
6 children of incarcerated mothers are two and one-half times more  
7 likely to be incarcerated than adult children of incarcerated  
8 fathers. Ninety-five per cent of the one hundred twenty female  
9 Hawaii inmates incarcerated at a single mainland facility are  
10 mothers.

11           Incarceration has many long-term effects including negative  
12 impacts on health, family instability, diminished lifetime  
13 wages, social stigma, and educational limitations. These  
14 negative impacts result in higher rates of illness and death.

15           The purpose of this Act is to conduct a study on the  
16 extent, nature, and impact of disparate treatment of native  
17 Hawaiians and other ethnic groups in the State's criminal  
18 justice system.

19           SECTION 2. (a) The office of Hawaiian affairs shall  
20 conduct a study on the disparate treatment of native Hawaiians  
21 and other ethnic groups in the State's criminal justice system.



1 (b) The following members shall jointly contribute to the  
2 study:

3 (1) The administrator of the office of Hawaiian affairs or  
4 the administrator's designee;

5 (2) The dean of the William S. Richardson School of Law,  
6 University of Hawaii at Manoa or the dean's designee;

7 (3) The president of Alu Like, Inc. or the president's  
8 designee;

9 (4) The president of the American Civil Liberties Union of  
10 Hawaii or the president's designee;

11 (5) The executive director of the Justice Policy Institute  
12 or the executive director's designee; and

13 (6) The president of the Queen Liliuokalani Children's  
14 Center or the president's designee.

15 (c) The study shall include but not be limited to:

16 (1) Identifying the stages in the criminal justice system  
17 with a disproportionate representation of native  
18 Hawaiians and other ethnic groups. The stages shall  
19 include the:

20 (A) Entry point, whether emergency call or arrest;



1 (B) Court processes, including court appearances,  
2 prosecutorial review, plea bargains, and  
3 sentencing; and

4 (C) Exit from incarceration, including parole,  
5 probation, and recidivism rates;

6 (2) Assessing the decision points in the stages identified  
7 to determine where disparities occur;

8 (3) Identifying the cause for the disparities and the  
9 extent to which they are related to legitimate public  
10 safety objectives, including sentencing policies, drug  
11 laws and policies, and the availability of appropriate  
12 intervention and treatment options; and

13 (4) Identifying methods of recidivism prevention and  
14 facilitating offenders' successful reentry into the  
15 community.

16 SECTION 3. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$15,000 or so much  
18 thereof as may be necessary for fiscal year 2009-2010 and the  
19 same sum or so much thereof as may be necessary for fiscal year  
20 2010-2011 for the purposes of this Act, provided that no funds  
21 shall be made available under this Act unless the office of



1 Hawaiian affairs provides a matching amount for the purpose for  
2 which these sums are appropriated.

3 The sums appropriated shall be expended by the office of  
4 Hawaiian affairs for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2009.

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JAN 27 2009



**Report Title:**

Public Safety; Study of Disparate Treatment; Appropriation;  
Native Hawaiians

**Description:**

Requires the office of Hawaiian affairs to conduct a study on the disparate treatment of native Hawaiians and other ethnic groups in the State's criminal justice system; makes an appropriation.

