
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 ethnic group. In 1999, it was
15 reported that more than fifty per cent of the female population
16 and more than sixty per cent of the male population, at the
17 Hawaii youth 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
12 negative impacts on health, family instability, diminished
13 lifetime wages, social stigma, and educational limitations.
14 These negative impacts result in higher rates of illness and
15 death.

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

20 SECTION 2. (a) The office of Hawaiian affairs shall
21 contract with a nationally respected and objective consulting
22 firm to conduct a study on the disparate treatment of native



1 Hawaiians and other ethnic groups in the state's criminal
2 justice system.

3 (b) The study shall include, but not be limited to:

4 (1) The extent of disparate representation of native
5 Hawaiians and other ethnic groups in Hawaii's criminal
6 justice system, focusing on conviction rates and
7 sentencing outcomes, to include data from the entry
8 point (911 calls, assessment, and arrest) to the
9 actual process (court appearances, prosecutorial
10 review, plea bargain, sentencing) and exit (parole,
11 probation, and recidivism rates) of the criminal
12 justice system;

13 (2) The causes of any disparities, including but not
14 limited to Hawaii's sentencing policies and drug laws;
15 and

16 (3) The barriers that disparate treatment poses to
17 preventing recidivism and facilitating the offenders'
18 successful re-entry into the community.

19 (c) All government agencies involved in the State's
20 criminal justice system shall provide their full cooperation and
21 all relevant data and other information to the office of



1 Hawaiian affairs and its consultant during the planning and
2 implementation of the study.

3 SECTION 3. The office of Hawaiian affairs shall submit,
4 not later than twenty days prior to the convening of the Regular
5 Session of 2010, the consultant's findings and recommendations,
6 including any proposed legislation, for reducing disparate
7 treatment of native Hawaiians and other ethnic groups in
8 Hawaii's criminal justice system.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$15,000 or so much
11 thereof as may be necessary for fiscal year 2009-2010 and the
12 same sum or so much thereof as may be necessary for fiscal year
13 2010-2011 for the purposes of this Act, provided that no funds
14 shall be made available under this Act unless the office of
15 Hawaiian affairs provides a matching amount for the purpose for
16 which these sums are appropriated.

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

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



Report Title:

Native Hawaiians; Study of Disparate Treatment; Appropriation

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. (HB1487 HD1)

