

JAN 21 2010

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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 discussion of native Hawaiian social well-being has  
5 highlighted some of that community's greatest strengths: the  
6 inclusive nature of 'ohana, the cohesive power of communities,  
7 and the growing sense of cultural identity. However, the  
8 multiple stressors and social imbalances within the native  
9 Hawaiian community have led to troubling outcomes, including  
10 antisocial, self-destructive, and criminal behavior, that are  
11 amplified by an enforcement and justice system in which  
12 inequality is an ongoing reality.

13           The rates of arrest and incarceration for native Hawaiians  
14 are among the highest of all major ethnic groups in the State.  
15 The disproportionately high number of young native Hawaiian men  
16 and women in the State's correctional system has profound  
17 implications for native Hawaiian education. Educational and



1 other opportunities are severely limited for incarcerated  
2 adults. Native Hawaiian children of inmates are also at  
3 increased risk of growing up without a parent to support them  
4 through critical stages of growth and development. Moreover,  
5 deviant activities which lead to arrests and incarceration, such  
6 as crime and drug use, directly influence the safety and  
7 stability of communities, which may further hinder the  
8 educational prospects for native Hawaiian children and adults.

9 The purpose of this Act is to require a correctional impact  
10 statement to accompany any bill that creates a new criminal  
11 offense, significantly changes an existing public offense or the  
12 penalty for an existing offense, or changes existing sentencing,  
13 parole, or probation procedures.

14 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended  
15 by adding a new section to be appropriately designated and to  
16 read as follows:

17 "§21- Correctional impact statement. (a) A  
18 correctional impact statement shall accompany any bill that is  
19 filed in a regular session that proposes to create a new  
20 offense, amend an existing offense or the penalty thereto, or  
21 change existing sentencing, parole, or probation procedures.



1        (b) The correctional impact statement shall address the  
2 following issues concerning the bill:

3        (1) Estimated number of new criminal cases per year;

4        (2) Fiscal impact of additional persons confined,  
5 including a reasonable estimate of the immediate  
6 effect and the long-range impact upon correctional  
7 facility capacity;

8        (3) Projected impact on the social and economic conditions  
9 of native Hawaiians;

10       (4) Projected impact on at-risk communities;

11       (5) Impact upon existing correctional institutions,  
12 community-based correctional facilities and services,  
13 and jails, including the probability that the  
14 legislation may create a need for additional facility  
15 capacity;

16       (6) Projected impact of sentencing provisions on future  
17 criminal justice and corrections populations and  
18 resources; and

19       (7) Other relevant factors as indicated by the  
20 legislation.

21 The correctional impact statement shall rely on available  
22 factual data. For purposes of paragraph (6), upon request of



1 the introducer of the bill, the corrections population  
2 management commission under section 353F- shall assist the  
3 introducer."

4 SECTION 3. Chapter 353F, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§353F- Correctional impact statement; assistance in  
8 preparation. The corrections population management commission  
9 shall assist in the preparation of a correctional impact  
10 statement of a bill as provided in section 21- , by applying  
11 the sentencing simulation model created under Act 267, Session  
12 Laws of Hawaii 2000, to assess the correctional impact of the  
13 bill on the corrections population."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Corrections; Correctional Impact Statement

**Description:**

Requires bills to amend or create new offenses, or to change parole or probation procedures, to be accompanied by a correctional impact statement. Requires assistance of the corrections population management commission to prepare corrections population impact.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

