



GOV. MSG. NO. 1274

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 27, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

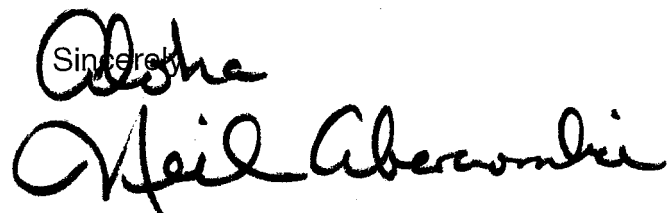
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 27, 2011, the following bill was signed into law:

SB986 SD2 HD3 CD1

RELATING TO THE CRIMINAL JUSTICE
SYSTEM.
Act 170 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor
on JUN 27 2011

ACT 170

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

S.B. NO. 986
S.D. 2
H.D. 3
C.D. 1

A BILL FOR AN ACT

RELATING TO THE CRIMINAL JUSTICE SYSTEM.

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

1 SECTION 1. House Concurrent Resolution No. 27, H.D. 1
2 (2009), requested the office of Hawaiian affairs to contract for
3 a study to examine the disparate representation and treatment of
4 Native Hawaiians in Hawaii's criminal justice system. Pursuant
5 to House Concurrent Resolution No. 27, H.D. 1, on September 28,
6 2010, the office of Hawaiian affairs released a study entitled,
7 "The Disparate Treatment of Native Hawaiians in the Criminal
8 Justice System." The study includes groundbreaking current
9 research and analysis, using quantitative and qualitative
10 methods, and includes the voices of Native Hawaiians about the
11 criminal justice system and the effect it has on their lives.

12 The study shows that the disproportionate representation of
13 Native Hawaiians in the criminal justice system accumulates at
14 each stage. When controlled for age, gender, and severity of
15 charge, Native Hawaiians are sentenced to more days in prison
16 and receive a longer term of probation than most other racial or
17 ethnic groups.



1 Collateral consequences of the disproportionate
2 representation of Native Hawaiians in the criminal justice
3 system, such as the inability to complete education, find
4 employment, and obtain a driver's license, further increase the
5 likelihood of recidivism and place significant pressure on
6 Native Hawaiian families. These collateral consequences push
7 the limits of imposing a punishment to fit the crime and
8 potentially deprive a person convicted of an offense of any
9 chance to start afresh after incarceration.

10 A first step toward reducing the disproportionate
11 representation of Native Hawaiians in the criminal justice
12 system and collateral consequences would be to identify
13 strategies for reducing unnecessary contact with the criminal
14 justice system.

15 The purpose of this Act is to address the findings and
16 recommendations of the office of Hawaiian affairs' study by
17 creating a task force to formulate policies and procedures to
18 eliminate the disproportionate impact of the criminal justice
19 system on all individuals, with particular focus on Native
20 Hawaiians.

21 SECTION 2. (a) There is established a task force, to be
22 attached administratively to the office of Hawaiian affairs, to



1 formulate policies and procedures to eliminate the
2 disproportionate representation of Native Hawaiians in Hawaii's
3 criminal justice system by looking for new strategies to reduce
4 or avoid unnecessary involvement of these individuals with the
5 criminal justice system.

6 (b) The task force shall recommend cost-effective
7 mechanisms, legislation, and policies to reduce or prevent
8 individuals' unnecessary involvement with the criminal justice
9 system. The recommendations shall include estimates of cultural
10 and fiscal impact.

11 (c) The task force shall consist of nine members:

12 (1) The attorney general, or the attorney general's
13 designee;

14 (2) The director of public safety, or the director's
15 designee;

16 (3) The chief executive officer of the office of Hawaiian
17 affairs, or the chief executive officer's designee;

18 (4) The administrator of the adult client services branch
19 of the first circuit court, or the administrator's
20 designee;

21 (5) A circuit court judge to be selected by the chief
22 justice of the Hawaii supreme court;



1 (6) A criminologist to be selected by the governor from a
2 list of no more than four names, two submitted by the
3 senate president and two submitted by the speaker of
4 the house of representatives;

5 (7) A representative from the department of the
6 prosecuting attorney of the city and county of
7 Honolulu;

8 (8) A representative from the office of the public
9 defender; and

10 (9) A member of the public selected by the governor from a
11 list of no more than four names, two submitted by the
12 senate president and two submitted by the speaker of
13 the house of representatives.

14 (d) The members of the task force shall serve without
15 compensation, but shall be reimbursed for expenses necessary in
16 the performance of their duties.

17 (e) The members of the task force shall select a
18 chairperson from among its members.

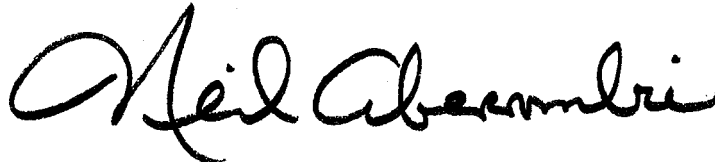
19 (f) The task force shall submit to the legislature, no
20 later than twenty days prior to the convening of the regular
21 session of 2013, a final report of its activities, findings, and
22 recommendations.



1 (g) The task force shall cease to exist on August 1, 2013.

2 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 27 day of JUN, 2011

A handwritten signature in black ink, appearing to read "Neil Abernethy". The signature is written in a cursive, flowing style.

GOVERNOR OF THE STATE OF HAWAII