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# 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.



**Report Title:**

Task Force; Criminal Justice System; Native Hawaiians

**Description:**

Establishes a nine-member task force to formulate policies and procedures to eliminate the disproportionate representation of Native Hawaiians in Hawaii's criminal justice system. Requires report to the 2013 legislature. Sunsets task force August 1, 2013. (CD1)

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