
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 treatment of Native Hawaiians
4 in Hawaii's criminal justice system. Pursuant to House
5 Concurrent Resolution No. 27, H.D. 1, on September 28, 2010, the
6 office of Hawaiian affairs released a study entitled, "The
7 Disparate Treatment of Native Hawaiians in the Criminal Justice
8 System". The study includes ground-breaking current research
9 and analysis, using both quantitative and qualitative methods,
10 and includes the voices of Native Hawaiians about the criminal
11 justice system and the effect it has on their lives.

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



1 Collateral consequences of disparate treatment, such as the
2 inability to complete education, find employment, and obtain a
3 driver's license, further increase the likelihood of recidivism
4 and place undue pressure on families. These collateral
5 consequences push the limits of imposing "punishment to fit the
6 crime" and potentially deprive a person convicted of an offense
7 of any chance to start afresh after incarceration.

8 A first step toward reducing disparate treatment and
9 collateral consequences would be to identify strategies for
10 reducing unnecessary contact with the criminal justice system.

11 The purpose of this Act is to begin the process of
12 addressing the findings and recommendations of the office of
13 Hawaiian affairs' study by creating a task force to reduce any
14 unnecessary contact by individuals with the criminal justice
15 system.

16 SECTION 2. (a) There is established a task force to
17 reduce any unnecessary contact by individuals with the criminal
18 justice system, to be attached administratively to the office of
19 Hawaiian affairs. The objective of the task force shall be to
20 formulate policies and procedures to eliminate the disparate
21 treatment of all individuals in Hawaii's criminal justice
22 system, with particular focus on Native Hawaiians, by looking



1 for new strategies to reduce or avoid unnecessary involvement
2 with the criminal justice system.

3 (b) The task force shall recommend cost-effective
4 mechanisms, legislation, and policies to reduce or prevent
5 individuals' unnecessary involvement with the criminal justice
6 system. These recommendations shall include estimates of
7 cultural and fiscal impact. The task force's work shall include
8 considering and making recommendations on the following
9 strategies:

- 10 (1) Reducing arrests by converting low-level, non-violent
11 crimes into civil violations;
- 12 (2) Expanding possibilities for deferred acceptance of
13 guilty or no contest pleas on the condition of
14 substance-abuse and mental-health treatment;
- 15 (3) Increasing options for cost-effective pretrial
16 release, with consideration given to enrollment and
17 participation in an appropriate social-services or
18 treatment program; and
- 19 (4) Implementing trauma-informed services for prisoners to
20 help prevent recidivism.
- 21 (c) The task force shall consist of seven members:



- 1 (1) The attorney general, or the attorney general's
2 designee;
- 3 (2) The director of public safety, or the director's
4 designee;
- 5 (3) The chief executive officer of the office of Hawaiian
6 affairs, or the chief executive officer's designee;
- 7 (4) The administrator of the adult client services branch
8 of the first circuit court, or the administrator's
9 designee;
- 10 (5) A circuit court judge to be selected by the chief
11 justice of the Hawaii supreme court;
- 12 (6) A criminologist; and
- 13 (7) A member of the general public.
- 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 on July 1, 2011.



Report Title:

Task Force to reduce unnecessary involvement with the Criminal Justice System

Description:

Establishes a task force to reduce the unnecessary involvement of individuals, particularly Native Hawaiians, with the criminal justice system. Effective July 1, 2011. (SB986 HD1)

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