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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 a  
3           study to examine the disparate treatment of Native Hawaiians in  
4           Hawaii's criminal justice system. Pursuant to House Concurrent  
5           Resolution No. 27, H.D. 1, on September 28, 2010, the office of  
6           Hawaiian affairs released a study, entitled "The Disparate  
7           Treatment of Native Hawaiians in the Criminal Justice System".  
8           The study includes ground-breaking current research and  
9           analysis, using both quantitative and qualitative methods, and  
10          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 probation term than most other racial or ethnic  
17          groups.



1 Collateral consequences of disparate treatment, such as the  
2 inability to finish school, find employment, and acquire 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 disparate  
13 treatment study by creating a task force to reduce contact with  
14 the criminal justice system and appropriating funds for the  
15 formation and administration of the task force.

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



1 Native Hawaiians, by looking for new strategies to reduce or  
2 avoid unnecessary involvement with the criminal justice system.

3 (b) The task force shall recommend cost-effective  
4 mechanisms, legislation, and policies to reduce or avoid  
5 unnecessary involvement with the criminal justice system. These  
6 recommendations shall include estimates of cultural and fiscal  
7 impact. The task force's work shall include, but not be limited  
8 to, 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 six members: the  
22 state attorney general, the director of public safety, the chief



1 executive officer of the office of Hawaiian affairs, the chief  
2 of one of the county police departments to be selected by the  
3 county police chiefs, the administrator of the adult client  
4 services branch of the first circuit court, and one circuit  
5 court judge to be selected by the chief justice of the Hawaii  
6 supreme court.

7 (d) The members of the task force shall serve without  
8 compensation but shall be reimbursed for expenses necessary in  
9 the performance of their duties.

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

12 (f) The task force shall submit to the legislature, not  
13 later than twenty days prior to the convening of the 2013  
14 regular session, a final report of its activities, findings, and  
15 recommendations.

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

17 SECTION 3. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ or so  
19 much thereof as may be necessary for fiscal year 2011-2012 and  
20 the same sum or so much thereof as may be necessary for fiscal  
21 year 2012-2013 for the establishment and administration of the  
22 task force established pursuant to section 2 of this Act.



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

3           SECTION 4. This Act shall take effect on July 1, 2011.

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**Report Title:**

Criminal Justice System; Task Force to Reduce Involvement with System

**Description:**

Establishes a task force to lessen the instances of the people of Hawaii, especially Native Hawaiians becoming entangled in the criminal justice system. Appropriates funds. (SD1)

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