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

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

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

18 SECTION 2. (a) There is established a task force, to be
19 attached administratively to the office of Hawaiian affairs, to
20 formulate policies and procedures to eliminate the
21 disproportionate impact of Hawaii's criminal justice system on
22 all individuals, with particular focus on Native Hawaiians, by



1 looking for new strategies to reduce or avoid unnecessary
2 involvement by those individuals with the criminal justice
3 system.

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

9 (c) The task force shall consist of seven members:

- 10 (1) The attorney general, or the attorney general's
11 designee;
- 12 (2) The director of public safety, or the director's
13 designee;
- 14 (3) The chief executive officer of the office of Hawaiian
15 affairs, or the chief executive officer's designee;
- 16 (4) The administrator of the adult client services branch
17 of the first circuit court, or the administrator's
18 designee;
- 19 (5) A circuit court judge to be selected by the chief
20 justice of the Hawaii supreme court;
- 21 (6) A criminologist; and



1 (7) A representative from the department of the
2 prosecuting attorney of the city and county of
3 Honolulu.

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

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

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

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

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



Report Title:

Task Force; Criminal Justice System; Native Hawaiians

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 HD2)

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