

JAN 18 2013

S.B. NO. 404

A BILL FOR AN ACT

RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION.

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 of the disparate representation and treatment of Native
4 Hawaiians in Hawai'i's criminal justice system.

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

13 Act 170, Session Laws of Hawai'i 2011, began the process of
14 addressing the findings and recommendations of the disparate-
15 treatment study. Act 170 established a task force to formulate
16 policies and procedures to eliminate the disproportionate
17 representation of Native Hawaiians in Hawai'i's criminal justice



1 system, by looking for new strategies to reduce or avoid
2 unnecessary involvement of these individuals with the criminal
3 justice system. The task force debated issues and held summits
4 throughout the pae 'āina to hear from the community on the best
5 ways to reduce the disproportionate representation of Native
6 Hawaiians in the criminal justice system.

7 In 2013, the task force submitted to the legislature a
8 report entitled "The Native Hawaiian Justice Task Force Report",
9 containing the task force's findings and recommendations. Among
10 other things, the task force report recommends continuing the
11 work of the task force by having a person or persons further
12 examine the issue of the disproportionate number of Native
13 Hawaiians in the criminal justice system. The legislature finds
14 that the corrections population management commission, which is
15 administratively attached to the department of public safety, is
16 an appropriate agency to conduct this examination, because the
17 commission is devoted to finding solutions to improve Hawai'i's
18 criminal justice system.

19 The purpose of this Act is to:

- 20 (1) Add two members to the corrections population
21 management commission in order to enhance its capacity



1 to examine the issue of the disproportionate number of
2 Native Hawaiians in the criminal justice system; and
3 (2) Specify the background and appointment process for
4 these additional members.

5 SECTION 2. Section 353F-4, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The corrections population management commission
8 shall consist of [~~eleven~~] thirteen members. The state attorney
9 general, the director of public safety, the administrator of the
10 office of Hawaiian affairs, a representative of the county
11 departments of the prosecuting attorney to be selected by the
12 prosecuting attorneys, the state public defender, the
13 chairperson of the [~~Hawaii~~] Hawai'i paroling authority, the
14 president of the senate, and the speaker of the house of
15 representatives, or their designated representatives, shall be
16 members of the commission. The chief justice of the [~~Hawaii~~]
17 Hawai'i supreme court shall appoint one judge and one adult
18 probation administrator of the judiciary as members of the
19 commission. The governor shall appoint one member from the
20 private sector who is knowledgeable on issues pertaining to
21 reintegrating offenders into the community[~~-~~] and one member
22 from the public who is knowledgeable about issues relating to



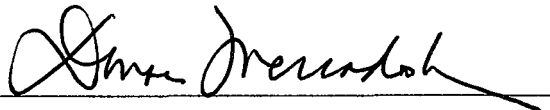
1 the criminal justice system and has substantial experience or
2 expertise in traditional Native Hawaiian practices.

3 Additionally, the chairperson of the [~~Hawaii~~] Hawai'i paroling
4 authority shall appoint one rehabilitated offender, who is
5 knowledgeable on issues pertaining to reintegrating offenders
6 into the community, as a member of the commission."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: 

By Request



S.B. NO. 404

Report Title:

OHA Package; Corrections Population Management Commission

Description:

Adds the OHA administrator and a member of the public, who is knowledgeable about issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices, to the corrections population management commission.

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