
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that long prison
2 sentences and an increase in offender recidivism rates have
3 contributed to a spike in the United States' prison population
4 despite the decrease of crime in the past twenty years.

5 The increase in prisoners has led to inflated government
6 spending on corrections, rising operating costs of correctional
7 facilities, and reduced funding for other essential government
8 services.

9 The legislature finds that a collaborative approach by
10 stakeholders using successful, research-based solutions would
11 improve Hawaii's correctional system and ensure positive
12 outcomes for prisoners and the community.

13 The purpose of this Act is to establish a temporary
14 commission on criminal justice and sentencing reform to develop
15 a statewide plan of sentencing and corrections policies that
16 would reduce the State's prison population by per cent by
17 year , reduce spending on corrections, and reinvest the



1 savings gained in strategies to increase public safety and
2 reduce recidivism.

3 SECTION 2. There is established a temporary commission to
4 be known as the commission on criminal justice and sentencing
5 reform to develop a statewide plan of sentencing and corrections
6 policies that would reduce the State's prison population by
7 per cent by year , reduce spending on
8 corrections, and reinvest the savings gained in strategies to
9 increase public safety and reduce recidivism. The commission
10 shall be placed within the office of the governor for
11 administrative purposes and shall cease to exist on June 30,
12 2018.

13 SECTION 3. The commission shall consist of thirty members
14 as follows:

- 15 (1) The governor or the governor's designee;
- 16 (2) The chair of the senate committee on judiciary and
17 labor or the chair's designee;
- 18 (3) The chair of the house committee on judiciary or the
19 chair's designee;
- 20 (4) The director of health or the director's designee;



- 1 (5) The director of human services or the director's
- 2 designee;
- 3 (6) The director of public safety or the director's
- 4 designee;
- 5 (7) The prosecuting attorney from the county with a
- 6 population of seven hundred fifty thousand or greater
- 7 or the prosecuting attorney's designee;
- 8 (8) The state public defender from the county with a
- 9 population of seven hundred fifty thousand or greater
- 10 or the state public defender's designee;
- 11 (9) The attorney general or the attorney general's
- 12 designee;
- 13 (10) The chief justice and another member of the judiciary
- 14 or the chief justice's designees;
- 15 (11) The executive director of the Hawaii civil rights
- 16 commission or the executive director's designee;
- 17 (12) The executive director of the American Civil Liberties
- 18 Union of Hawaii or the executive director's designee;
- 19 (13) One social worker who assists in the rehabilitation
- 20 and attainment of employment skills for prisoners who
- 21 shall be appointed by the governor;



- 1 (14) The executive director of the office of youth services
2 or the executive director's designee;
- 3 (15) Two experts in youth gang violence and drug abuse who
4 serve as directors for nonprofit organizations
5 specifically focused on youth gang reduction and
6 mentoring or support programs for "at-risk" youth, of
7 which one member shall be appointed from a list of
8 nominees submitted by the president of the senate, and
9 one member shall be appointed from a list of nominees
10 submitted by the speaker of the house of
11 representatives;
- 12 (16) A university or college sociology professor whose
13 field of expertise is in recidivism who shall be
14 appointed by the governor;
- 15 (17) Two prisoners' rights advocates, of which one member
16 shall be appointed from a list of nominees submitted
17 by the president of the senate, and one member shall
18 be appointed from a list of nominees submitted by the
19 speaker of the house of representatives;
- 20 (18) A top business executive who shall be appointed by the
21 governor;



- 1 (19) The chairperson of the board of directors of the
2 Hawaii chapter of the American Foundation for Suicide
3 Prevention or the chairperson's designee;
- 4 (20) The dean of the John A. Burns School of Medicine at
5 the University of Hawaii or the dean's designee;
- 6 (21) The executive director of the Mental Health America of
7 Hawaii or the executive director's designee;
- 8 (22) Two members who are family members of prisoners, of
9 which one member shall be appointed from a list of
10 nominees submitted by the president of the senate, and
11 one member shall be appointed from a list of nominees
12 submitted by the speaker of the house of
13 representatives;
- 14 (23) The executive director of the Sex Abuse Treatment
15 Center Hawaii or the executive director's designee;
- 16 (24) The executive director of the Hawaii State Coalition
17 against Domestic Violence or the executive director's
18 designee;
- 19 (25) The president of the National Association for the
20 Advancement of Colored People Hawaii Chapter or the
21 president's designee; and



1 (26) The president of Mothers Against Drunk Driving Hawaii
2 or the president's designee.

3 All members shall work cooperatively to find strategies to
4 prevent crimes and reduce recidivism. The members shall not
5 receive compensation for their services but shall be reimbursed
6 for necessary expenses, including travel expenses, incurred in
7 the performance of their duties under this Act.

8 No member shall be made subject to chapter 84, Hawaii
9 Revised Statutes, solely because of that member's participation
10 as a member of the commission.

11 SECTION 4. The commission shall meet quarterly and may
12 hold public meetings as it deems necessary; provided that before
13 holding a public meeting the commission shall provide
14 publication of notice pursuant to section 1-28.5, Hawaii Revised
15 Statutes. At the initial meeting of the commission, to occur no
16 later than thirty days after the enactment of Act , Session
17 Laws Hawaii 2016, its members shall elect a chair and vice chair
18 and any other necessary officers from among the members. A
19 majority of the commission members shall constitute a quorum for
20 its necessary duties. The chair, at the request of a majority
21 of members, may hold special meetings.



1 SECTION 5. (a) The commission shall focus on education,
2 health, strong families and support groups, and poverty as
3 cornerstones in its development of a statewide plan of
4 sentencing and corrections policies pursuant to this Act.

5 (b) To fulfill the cornerstone on education, the
6 commission shall address, at minimum, the following:

7 (1) Ensuring resources are targeted at providing students
8 a quality education from pre-kindergarten to college;

9 (2) Ensuring reading skills are taught to children as well
10 as prisoners; and

11 (3) Evaluating the use of high-quality, state-funded
12 developmental daycare centers.

13 (c) To fulfill the cornerstone on health, the commission
14 shall address, at minimum, the following:

15 (1) Using developmental screening as a test to see if a
16 student or prisoner is learning basic skills and
17 providing them self-sufficiency assistance;

18 (2) Ensuring the availability of prenatal care to treat
19 and prevent potential health problems throughout the
20 course of a pregnancy while promoting healthy
21 lifestyles that benefit both mother and child; and



1 (3) Ensuring the availability of mental health and illegal
2 drug use consultation and assistance to the community
3 and prisoners.

4 (d) To fulfill the cornerstone on strong families and
5 support groups, the commission shall address, at minimum, the
6 following:

7 (1) Evaluating and reforming housing requirements for
8 individuals convicted of certain types of crimes, such
9 as nonviolent or minor offenses;

10 (2) Ensuring proper assistance is provided to children,
11 adults, and families so they may live healthy and
12 productive lives, and realize their full potential as
13 contributing members of their communities;

14 (3) Ensuring prisoners are offered participation in
15 support groups and provided individualized plans for
16 self-sufficiency and reintegration into society; and

17 (4) Ensuring parenting programs and classes are available
18 to families, especially public housing families in the
19 lower-income bracket.

20 (e) To fulfill the cornerstone on poverty, the commission
21 shall address, at minimum, the following:



- 1 (1) Ensuring prisoners undergo parental job training and
- 2 are taught skills or trades that may be used upon
- 3 their release from prison;
- 4 (2) Ensuring affordable rental housing is available for
- 5 prisoners and individuals with low income;
- 6 (3) Ensuring community members and prisoners learn about
- 7 nutrition and the Supplemental Nutrition Assistance
- 8 Program;
- 9 (4) Ensuring case management services are provided for
- 10 individuals receiving public assistance;
- 11 (5) Ensuring prisoners with developmental disabilities are
- 12 provided services and supports appropriate to their
- 13 needs so they may successfully reintegrate into
- 14 society; and
- 15 (6) Evaluating the use of employment-related daycare
- 16 centers that will provide parents safe care for their
- 17 children and provide safe care to the elderly.

18 SECTION 6. (a) The commission shall review the State's

19 sentencing policies and probation system to reduce the State's

20 prison population by _____ per cent by year _____, reduce

21 spending on corrections, and reinvest the savings gained in



1 strategies that will increase public safety and reduce
2 recidivism.

3 (b) In reviewing the State's sentencing policies, the
4 commission shall address, at minimum, the following:

5 (1) Evaluating whether to abolish mandatory minimum
6 sentences and the repeat offender three-strikes law;

7 (2) Evaluating statutes that address habitual offenders,
8 and diversion treatments such as specialty courts with
9 incentives, including drug treatment court and
10 Hawaii's opportunity probation with enforcement (HOPE)
11 program; and

12 (3) Evaluating the raising of monetary thresholds for
13 felony theft.

14 (c) In reviewing the State's probation system, the
15 commission shall include, but not be limited to, an evaluation
16 of the State's current practices relating to incarceration,
17 crime prevention, and education with a focus on reducing
18 spending on corrections and reinvesting the savings gained in
19 strategies that will increase public safety and reduce
20 recidivism.



1 SECTION 7. The commission shall submit a report of its
2 findings and recommendations, including any proposed
3 legislation, to the legislature no later than twenty days prior
4 to the convening of the regular session of 2018.

5 SECTION 8. It is the intent of this Act not to jeopardize
6 the receipt of any federal aid. If any provision of this Act,
7 or the application thereof to any person or circumstance, is
8 found to be in conflict with federal requirements that are a
9 prescribed condition for the allocation of federal funds to the
10 State, the provision shall be deemed void; provided that the
11 voided provision shall not affect other provisions or
12 applications of the Act that can be given effect without the
13 voided provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:
Public Safety

Description:

Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office. Requires the Commission to develop a statewide framework of sentencing and corrections policies to further reduce the State's incarcerated population by an unspecified percentage by an unspecified year. The Commission shall also develop a plan to reduce spending on corrections and reinvest in strategies to increase public safety and reduce recidivism. (HB2001 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

