
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:

15 (1) Develop a statewide plan of sentencing and corrections
16 policies that would reduce the State's prison
17 population, reduce spending on corrections, and



1 reinvest the savings gained in strategies to increase
2 public safety and reduce recidivism;

3 (2) Review and recommend relocation or construction of
4 prison or correctional facilities to comply with
5 federal guidelines on the health and welfare of the
6 inmate population; and

7 (3) Modernize prison or correctional facilities to enhance
8 effective rehabilitation programs.

9 SECTION 2. There is established a temporary commission to
10 be known as the commission on criminal justice and sentencing
11 reform to:

12 (1) Develop a statewide plan of sentencing and corrections
13 policies that would reduce the State's prison
14 population, reduce spending on corrections, and
15 reinvest the savings gained in strategies to increase
16 public safety and reduce recidivism;

17 (2) Review and recommend relocation or construction of
18 prison or correctional facilities to comply with
19 federal guidelines on the health and welfare of the
20 inmate population; and



1 (3) Modernize prison or correctional facilities to enhance
2 effective rehabilitation programs.

3 The commission shall be placed within the office of the
4 governor for administrative purposes and shall cease to exist on
5 June 30, 2019.

6 SECTION 3. The commission shall consist of the following
7 members:

- 8 (1) The chief justice, or the chief justice's designee,
9 who shall serve as the chairperson of the commission;
- 10 (2) The administrator of the judiciary's adult client
11 services branch, or the administrator's designee;
- 12 (3) The chairperson of the Hawaii paroling authority, or
13 the chairperson's designee;
- 14 (4) The director of public safety, or the director's
15 designee;
- 16 (5) The chairperson of the house committee on public
17 safety, or the chairperson's designee;
- 18 (6) The chairperson of the senate committee on public
19 safety, intergovernmental, and military affairs, or
20 the chairperson's designee;



- 1 (7) The prosecuting attorney from a county with a
2 population of seven hundred fifty thousand or greater,
3 or the prosecuting attorney's designee;
- 4 (8) The state public defender, or the state public
5 defender's designee;
- 6 (9) A social worker who assists in the rehabilitation and
7 attainment of employment skills for prisoners who
8 shall be appointed by the director of public safety;
- 9 (10) The chairperson of the board of trustees of the Office
10 of Hawaiian Affairs, or the chairperson's designee;
- 11 (11) A representative from the Native Hawaiian Legal
12 Corporation;
- 13 (12) A faculty member with expertise in criminology or
14 penology appointed by the president of the University
15 of Hawaii;
- 16 (13) A member of the public who has knowledge and expertise
17 with the Hawaii correctional system appointed by the
18 director of public safety;
- 19 (14) A male former prison inmate appointed by the director
20 of public safety;



1 (15) A female former prison inmate appointed by the
2 director of public safety; and

3 (16) The chairperson of the Holomua Puuhonua Committee, or
4 the chairperson's designee; and

5 All members shall work cooperatively to find strategies to
6 improve public safety and reduce recidivism. The members shall
7 not receive compensation for their services.

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 The commission shall be exempt from chapter 92, Hawaii
12 Revised Statutes.

13 SECTION 4. The commission may meet quarterly and may hold
14 public meetings as it deems necessary; provided that before
15 holding a public meeting the commission shall provide
16 publication of notice pursuant to section 1-28.5, Hawaii Revised
17 Statutes. The initial meeting of the commission shall occur no
18 later than sixty days after the enactment of this Act.

19 SECTION 5. In developing the statewide plan of sentencing
20 and corrections policies pursuant to this Act, the commission
21 shall focus on increasing public safety by reducing recidivism,



1 ensuring appropriate housing, training, and services are
2 provided to former and current inmates, and reviewing
3 sentencing, probation, and parole policies with the aim of
4 reducing the incarcerated population, enhancing public safety,
5 and reducing corrections spending.

6 SECTION 6. The commission shall address, at minimum, the
7 following to ensure appropriate housing, training, and services
8 are provided to former and current inmates:

- 9 (1) Evaluating and reforming housing requirements for
10 individuals convicted of certain types of crimes, such
11 as nonviolent or minor offenses;
- 12 (2) Ensuring prisoners are offered participation in
13 support groups and provided individualized plans for
14 self-sufficiency and reintegration into society;
- 15 (3) Ensuring prisoners undergo parental job training and
16 are taught skills or trades that may be used upon
17 their release from prison;
- 18 (4) Ensuring affordable rental housing is available for
19 prisoners upon release from prison and individuals
20 with low income;



1 (5) Ensuring community members and prisoners learn about
2 nutrition and the Supplemental Nutrition Assistance
3 Program; and

4 (6) Ensuring prisoners with developmental disabilities are
5 provided services and supports appropriate to their
6 needs so they may successfully reintegrate into
7 society.

8 SECTION 7. (a) The commission shall review the State's
9 sentencing policies and probation system to reduce the State's
10 incarcerated population, reduce spending on corrections, and
11 reinvest the savings gained into strategies that will increase
12 public safety and reduce recidivism.

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

15 (1) Evaluating whether to abolish mandatory minimum
16 sentences law; and

17 (2) Evaluating statutes that address habitual offenders,
18 and diversion treatments such as specialty courts with
19 incentives, including drug treatment court and
20 Hawaii's opportunity probation with enforcement (HOPE)
21 program.



1 (c) In reviewing the State's probation and parole system,
2 the commission shall include, but not be limited to, an
3 evaluation of the State's current practices relating to
4 incarceration, crime prevention, and rehabilitation with a focus
5 on reducing spending on corrections and reinvesting the savings
6 gained into strategies that will increase public safety and
7 reduce recidivism. The commission shall review statutes and
8 corrections policies affecting probation and parole violators.
9 The focus of this Act is to ensure public safety and safer
10 communities statewide.

11 SECTION 8. The judiciary and the department of public
12 safety shall provide administrative support to the commission.

13 The commission, with the assistance of the legislative
14 reference bureau, shall report its findings and recommendations
15 on its activities, including any proposed legislation, to the
16 legislature no later than twenty days prior to the convening of
17 the regular session of 2019.

18 Upon request of the commission, the legislative reference
19 bureau shall assist in the preparation of the report; provided
20 that, before September 1, 2018, the commission shall submit a
21 draft to the legislative reference bureau, including any other



1 information and materials deemed necessary by the bureau, for
2 the preparation of the report.

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

13 SECTION 10. This Act shall take effect on September 1,
14 2017.



Report Title:
Public Safety

Description:

Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office to develop sentencing and corrections policies to reduce the State's incarcerated population. Allows the Commission to make recommendations on moving or constructing a correctional facility to comply with federal guidelines and to modernize to enhance effective rehabilitation programs. Requires the Commission to develop a plan to reduce spending on corrections and reinvest into strategies to increase public safety and reduce recidivism.
(HB1295 HD1)

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

