



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

S.B. NO. 26, S.D. 1, RELATING TO MAKING AN APPROPRIATION TO THE OFFICE OF THE PROSECUTING ATTORNEY FOR HAWAII COUNTY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Wednesday, March 15, 2017 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Shaleigh Tice, Branch Chief, CPJAD

Chair Nishimoto and Members of the Committee:

The Department of the Attorney General supports this measure, provided that its passage does not replace or adversely impact priorities as indicated in our Executive budget. This bill would provide funds for services that are provided by the Office of the Prosecuting Attorney of the County of Hawaii to help fulfill the requirements of chapter 845, "Career Criminals," Hawaii Revised Statutes.

The Legislature established the Career Criminal Prosecution (CCP) program because it found that a substantial and disproportionate amount of serious crime is committed by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. The Legislature's intent was to support increased efforts by prosecuting attorneys' offices to prosecute career criminals. By their nature, CCP cases are often labor intensive and require experienced and well-trained deputy prosecutors. Since fiscal year 2007-2008, funding for the CCP program has been reduced, which has resulted in positions being held vacant. This funding request is needed to staff the CCP program so that the prosecution of career criminals can be pursued to the greatest extent.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to provide testimony.

MITCHELL D. ROTH
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 26, SD1

A BILL FOR AN ACT MAKING AN APPROPRIATION TO
THE OFFICE OF THE PROSECUTING ATTORNEY, COUNTY
OF HAWAII.

COMMITTEE ON JUDICIARY

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 15, 2017, 2:00 P.M.
State Capitol, Conference Room 325

Honorable Chair Nishimoto, Honorable Vice Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 26, SD1.

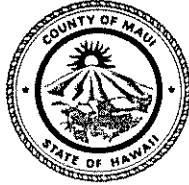
This measure makes an appropriation to the Office of the Prosecuting Attorney, County of Hawaii for the Career Criminal Prosecution Unit (CCP).

The CCP program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals." Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services. Having this funding will enable, equip and enhance staff with the necessary tools and skills needed to effectively deal with complex situations of CCP.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 26, SD1. Thank you for the opportunity to testify on this matter.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
SB 26, SD 1 - MAKING AN APPROPRIATION TO THE
OFFICE OF THE PROSECUTING ATTORNEY, COUNTY OF HAWAII

March 15, 2017

The Honorable Scott Y. Nishimoto
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members
House Committee on Judiciary

Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui strongly supports SB 26, SD 1. This measure makes an appropriation to the Office of the Prosecuting Attorney, County of Hawaii, for the Career Criminal Prosecution (CCP) Unit..

The CCP Program was mandated to the counties with the enactment of Chapter 845, Hawaii Revised Statutes, back in 1979. The CCP program was created because the Legislature found that "a substantial and disproportionate amount of serious crime is committed against the people by a relatively small number of multiple and repeat felony offenders." Further, the Legislature "intends to support increased efforts by prosecuting attorneys' offices to prosecute career criminals through organizational and operational techniques that have been proven effective in selected counties in other states."

In order to avoid the unfunded mandate prohibition under the Constitution of the State of Hawaii, it has long been the practice of the Legislature to provide funding for the CCP program. This bill will address the issue of shrinking funding from the State, while personnel expenses have increased. As with all counties, experienced deputy prosecutors and staff are assigned to the CCP program because of the serious nature of the offenses.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy

Amu I. Keahi First Deputy



Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

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TESTIMONY IN SUPPORT OF SENATE BILL 26, SD1

**A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE
OFFICE OF THE PROSECUTING ATTORNEY, COUNTY OF HAWAII.**

COMMITTEE ON JUDICIARY

**Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair**

**Wednesday, March 15, 2017, 2:00 P.M.
State Capitol, Conference Room 325**

Honorable Chair Nishimoto, Honorable Vice Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Kaua'i submits the following testimony in support of Senate Bill No. 26, SD1.

This measure makes an appropriation to the Office of the Prosecuting Attorney, County of Hawaii for the Career Criminal Prosecution Unit (CCP).

The CCP program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals." Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services. Having this funding will enable, equip and enhance staff with the necessary tools and skills needed to effectively deal with complex situations of CCP.

The Office of the Prosecuting Attorney, County of Kaua'i supports the passage of Senate Bill No. 26, SD1. Thank you for the opportunity to testify on this matter.

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FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE SCOTT NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawai'i

March 15, 2017

**RE: S.B. 26, S.D. 1; MAKING AN APPROPRIATION TO THE HAWAII COUNTY
OFFICE OF THE PROSECUTING ATTORNEY.**

Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 26, S.D. 1.

Pursuant to legislation passed in 1979, and codified as sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes ("HRS"), the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." In response, the State created the Career Criminal Prosecution Unit, which it has funded annually. Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and reducing heavy caseloads and long court delays. With your support, these deputy prosecuting attorneys will have the tools necessary to protect the public from career criminals.

For all of the foregoing reasons, the Honolulu Prosecuting Attorney supports the passage of S.B. 26, S.D. 1, which will provide the funding needed to maximize service to the community in Hawai'i County, in the area of Career Criminal Prosecution. Thank you for the opportunity to testify on this matter.