

HB-1770

Submitted on: 1/23/2018 5:56:02 PM

Testimony for JUD on 1/25/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Support	Yes

Comments:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** HB 1770, Making an Appropriation to the Department of the Prosecuting Attorney of the City and County of Honolulu.

The Career Criminal Prosecution (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.

The Department of the Prosecuting Attorney, County of Maui, requests that HB 1770 be **PASSED**

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

January 25, 2018

RE: H.B. 1770; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

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

The Office of the Prosecuting Attorney, County of Kaua'i STRONGLY SUPPORTS HB 770. This measure makes an appropriation in the amount of \$ 43,119 to the Department of the Prosecuting Attorney, City and County of Honolulu, for the Career Criminal Prosecution (CCP) Program.

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.

The amount sought to be appropriated is the difference between the amount in the State Budget and the actual personnel costs.

Accordingly, the Office of the Prosecuting Attorney, County of Kaua'i, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

January 25, 2018

RE: H.B. 1770; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

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 strong support of H.B. 1770. This bill is part of the Department's 2018 legislative package.

Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed 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 program, which it originally funded annually.

The requested funding is greatly needed to continue operating our Career Criminal Prosecution unit at its current capacity and caseload, essentially maintaining positions that are currently filled. Money spent on this unit is an efficient use of resources, as it provides citizens with swift and effective justice, reducing heavy caseloads and long court delays. With your support, the Department will have the tools necessary to protect our public from career criminals. The current balance needed to maintain this program at its current level of operation within our Department is \$493,818.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 1770, which will provide the funding needed to provide this important state-mandated service to our community. Thank you for the opportunity to testify on this matter.





**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1770, MAKING AN APPROPRIATION FOR THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, January 25, 2018 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Shaleigh Tice, Branch Chief, Crime Prevention Justice Assistance
Division

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 Department of the Prosecuting Attorney of the City and County of Honolulu 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.

Georgette Anne Yaindl
Attorney and Counselor at Law

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January 24, 2018

Committee on Judiciary
House of Representatives
State of Hawai'i
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, vice Chair

Via email to: <http://www.capitol.hawaii.gov/submittestimony.aspx>

Dear Chair Nishimoto, Vice Chair San Buenaventura, and members of the committee,

RE: Hearing Date: January 25, 2018
Hearing Time: 2:00 P.M.
Location: Conference Room 325, State Capitol, 415 South Beretania St.

RE: Opposition to HB 1770

1. The proposed bill makes no statement of need.
2. There is no need.

The county office of the prosecuting attorney does not need any supplemental appropriation from the state legislature, but the State Office of the Public Defender sure does.

This bill proposes to provide an additional half million state dollars to the office the C&C Prosecutor whose FY 2018 budget funded by county and federal dollars exceeds \$20,000,000.00. Compare that to the FY 2018 budget for the State Office of the Public Defender, with responsibility for funding public defenders serving in courts in every county, that is half that amount (\$11,000,000.00.) The budget document submitted in support of the Public Defender's budget by its administrator, Dept. of Budget and Finance, indicates that each Hawai'i public defender's caseload in FY 2018 is projected to exceed the minimum standard for misdemeanors by 481% and family court cases by 197%, which is projected to increase to 481% in FY 2019 and thereafter.

3. The career criminal program should be audited.

The career criminal program mandates, se Chapter 845, Hawai'i Revised Statutes, that local law enforcement must designate certain individuals as career criminals, and affords local

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law enforcement discretion to make the designation in several other instances, including when an individual charged with a first offense is awaiting trial released on bond. The designation “CAREER CRIMINAL” appears in all caps, large font, in red, on the top page of an accused’s rap sheet. Before appropriating any additional funds to this program, the legislature should determine whether the career criminal program serves its statutory purpose of bringing to bear enhanced investigation and prosecution efforts against individuals that are career criminals, in fact.

4. Pursuant to statute, the career criminal program is administered by the Office of the State Attorney General, not the counties.

If the legislature wants to increase funding for the program, it is appropriate to do so through an appropriation to the Office of the Attorney General, not a county office of the prosecuting attorney. See Chapter 845, Hawai`i Revised Statutes.

Thank you for the opportunity to comment on this proposed legislation. Respectfully, I wish to comment additionally that the bill does not make clear by whom it was introduced. The signature is illegible and unattributed, notwithstanding the clear representation that it was “submitted by request”. Mahalo.

Sincerely,

/s/ Georgette Yaindl
Georgette Anne Yaindl



LATE

HB-1770

Submitted on: 1/24/2018 5:42:57 PM
Testimony for JUD on 1/25/2018 2:00:00 PM

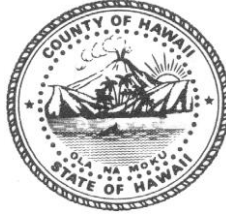
Submitted By	Organization	Testifier Position	Present at Hearing
Bryne		Support	No

Comments:

I think any measure to strengthen the City's Prosecutor's Office is a good idea, especially the Career Criminal Unit. With the amount of repeat, "career criminals" out there, this unit would benefit from the additional resources to help prosecute these "career criminals." Repeat offenders whether they are committing violent crimes or non-violent crimes are a black eye on the community and need to be dealt with, for that to happen the Prosecutor's Office needs the resources/funding to help them do their very important jobs.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1770

LATE

A BILL FOR AN ACT MAKING AN APPROPRIATION TO
THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF
THE CITY AND COUNTY OF HONOLULU

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Thursday January 25, 2018, 2:00 P.M.

State Capitol, Conference Room 325

Honorable Chair Nishimoto, 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 House Bill No. 1770.

This measure appropriates moneys to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution (CCP) Unit.

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 House Bill No. 1770. Thank you for the opportunity to testify on this matter.