

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair

Rep. Lynn DeCoite, Vice Chair

Tuesday, March 13, 2018

9:45 am

Room 312

SUPPORT INTENT w/ SUGGESTION - SB 2863 SD2 - CRIMINAL PROPERTY DAMAGE

Aloha Chair Ing, Vice Chair DeCoite and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2863 SD2 establishes the offense of criminal property damage to property of another holding historical significance to Native Hawaiians as a Class C felony. Community Alliance on Prisons strongly supports the protection, preservation, and reverence of native Hawaiian cultural properties. We are concerned, however, that creating another felony does little to educate the perpetrator of these offenses and misses a very "teachable moment". I have spoken about this bill with Kanaka Maoli from many different sectors of our community and each has said: "Why are we creating another felony?"

I sat in on the first hearing on this measure to listen to the testimony and spoke to the Chair about looking at this offense in a different way. Here is language Chair Shimabukuro included in the SD1 committee report:

Your Committee notes for consideration by your Committee on Judiciary that rather than incarcerating an individual who has damaged culturally and historically significant property, requiring the individual to work with organizations that work toward the revitalization or preservation of Hawaiian culture and history may be a more appropriate penalty, as it presents an opportunity to teach the individual the importance and meaning of the property that was damaged.

We hope the committee will consider more meaningful and alternative sanctions for the destruction of sacred sites that promote understanding and respect for Hawaiian culture. Mahalo for this opportunity to testify.

A'ōhe pau ka 'ike i ka hālau ho'ōkahi.

All wisdom is not taught in your school.

LATE

SB-2863-SD-2

Submitted on: 3/12/2018 9:56:41 AM

Testimony for OMH on 3/13/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: