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# 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 inmates 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, 2021.

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, veterans, and military affairs, or the  
18 chairperson's designee;
- 19 (6) The chairperson of the senate committee on public  
20 safety, intergovernmental, and military affairs, or  
21 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 inmates who shall  
8           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 University of Hawaii faculty member with expertise  
14          in criminology or penology appointed by the president  
15          of the University 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.

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 of the commission shall be made subject to the  
9 financial disclosure requirements of sections 84-13 and 84-17,  
10 Hawaii Revised Statutes, solely because of that member's  
11 participation as a member of the commission.

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

14 SECTION 4. The commission may meet quarterly and may hold  
15 public meetings as it deems necessary. The initial meeting of  
16 the commission shall occur no later than sixty days after the  
17 enactment of this Act.

18 SECTION 5. In developing the statewide plan of sentencing  
19 and corrections policies pursuant to this Act, the commission  
20 shall focus on increasing public safety by reducing recidivism;  
21 ensuring appropriate housing, training, and services are



1 provided to former and current inmates; and reviewing  
2 sentencing, probation, and parole policies with the aim of  
3 reducing the incarcerated population, enhancing public safety,  
4 and reducing corrections spending.

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

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



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

4 (6) Ensuring inmates 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; 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's review 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 commission's priorities shall be to ensure public safety and  
10 safer 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 findings and recommendations  
15 based on its activities, including any proposed legislation, to  
16 the legislature no later than twenty days prior to the convening  
17 of the regular session of 2021.

18 Upon request of the commission, the legislative reference  
19 bureau shall assist in the preparation of the report; provided  
20 that, before December 1, 2020, the commission shall submit a  
21 draft to the legislative reference bureau, including any





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 July 1, 2019.

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JAN 23 2019



# H.B. NO. 1271

**Report Title:**

Public Safety; Criminal Justice; Sentencing Reform

**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, reduce correctional spending, increase public safety, and reduce recidivism.

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

