

JAN 16 2020

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Hawaii penal
2 code is the fundamental document by which the State addresses
3 crime. It is imperative that such an important part of the
4 state laws receive full and deliberate attention from time to
5 time, to ensure its continued force and effectiveness.

6 Since the Hawaii penal code was enacted in 1972, there have
7 been four significant reviews of the code by means of:

8 (1) Act 291, Session Laws of Hawaii 1983, which resulted
9 in the enactment of many of the committee's
10 recommendations as Act 314, Session Laws of Hawaii
11 1986;

12 (2) Act 284, Session Laws of Hawaii 1993, which did not
13 result in legislative action on the recommendations of
14 the review committee;

15 (3) Act 125, Session Laws of Hawaii 2005, which led to
16 enactment of many of the review committee's



1 recommendations as Act 230, Session Laws of Hawaii
2 2006; and

3 (4) House Concurrent Resolution 155 S.D. 1, which led to
4 the enactment of Act 231, Session Laws of 2016.

5 The legislature concludes that it is time for another
6 review. The purpose of this Act is to require the judicial
7 council to conduct another thorough study of the Hawaii penal
8 code, to commence in 2021 and be completed within eighteen
9 months.

10 SECTION 2. (a) The judicial council, as established
11 pursuant to section 601-4, Hawaii Revised Statutes, through an
12 advisory committee on penal code review, shall conduct a
13 comprehensive review of the Hawaii penal code and recommend to
14 the legislature necessary amendments to ensure that:

- 15 (1) The penal code is consistent;
- 16 (2) The penal code is in harmony with recent criminal
17 justice trends; and
- 18 (3) The continued force and effectiveness of the penal
19 code is ensured.

20 (b) The judicial council shall give special consideration
21 to:



- 1 (1) Whether enhanced penalties for repeat offenders should
- 2 be further incorporated into the penal code;
- 3 (2) Means to aid the enforcement of the penal code; and
- 4 (3) The organization of section 709-906, Hawaii Revised
- 5 Statutes.

6 SECTION 3. No later than January 1, 2021, the judicial

7 council shall appoint an advisory committee on penal code

8 review. The advisory committee shall include the following

9 members:

- 10 (1) Representatives of the judiciary;
- 11 (2) A member of the senate standing committee on
- 12 judiciary;
- 13 (3) A member of the house of representatives standing
- 14 committee on judiciary;
- 15 (4) The attorney general, or the attorney general's
- 16 designee;
- 17 (5) A representative of the office of the public defender;
- 18 (6) The administrator of the office of Hawaiian affairs,
- 19 or the administrator's designee;
- 20 (7) A representative of the department of public safety;



- 1 (8) The prosecuting attorney of each county, or each
- 2 prosecuting attorney's designee;
- 3 (9) A representative of the police department of each
- 4 county;
- 5 (10) Representatives from citizen participation bodies,
- 6 such as neighborhood boards;
- 7 (11) Private citizens interested in criminal law and civil
- 8 liberties;
- 9 (12) Hawaii-licensed attorneys in private practice who
- 10 handle criminal cases;
- 11 (13) Representatives from advocacy groups for incarcerated
- 12 individuals;
- 13 (14) Representatives from advocacy groups for crime
- 14 victims; and
- 15 (15) Psychologists or social workers.

16 The members of the advisory committee shall serve without
17 compensation but shall be reimbursed for expenses, including
18 travel expenses, necessary for the performance of their duties.

19 The advisory committee shall submit a report of its
20 findings and recommendations, including any proposed



1 legislation, to the legislature no later than forty days prior
2 to the convening of the regular session of 2023.

3 SECTION 4. The judicial council may appoint a reporter for
4 the review and such other research and clerical staff as may be
5 necessary without regard to chapter 76. In selecting the
6 reporter and research assistant or assistants, the council is
7 urged to use, to the greatest extent possible, the faculty and
8 students of the William S. Richardson School of Law.

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$25,000 or so much
11 thereof as may be necessary for fiscal year 2020-2021 for the
12 purposes of this Act.

13 The sum appropriated shall be expended by the judiciary for
14 the purposes of this Act.

15 SECTION 6. This Act shall take effect upon its approval;
16 provided that section 5 shall take effect on July 1, 2020.

17

INTRODUCED BY: Kalene



S.B. NO. 2047

Report Title:

Penal Code Review; Judicial Council; Advisory Committee;
Appropriation

Description:

Requires the judicial council to conduct a comprehensive review of the penal code and to recommend proposed changes. Requires judiciary council to appoint an advisory committee to assist in the review, and allows the council to also appoint a reporter and clerical staff as necessary. Requires the advisory committee to report to the legislature. Makes an appropriation.

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

