

STAND. COM. REP. NO.

3727

Honolulu, Hawaii

JUN 30 2020

RE: S.C.R. No. 154
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 154 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY THE REPORTING, PROSECUTION, AND CONVICTION RATE OF HATE CRIMES IN THE STATE,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Attorney General to convene a task force to study the progression of hate crime investigations and prosecutions from the initial police report to the closing of the case and make recommendations on improvements to be made in the prosecution and comprehensive reporting of hate crimes.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Pride at Work - Hawaii, Rainbow Family 808, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that part IV of chapter 846, Hawaii Revised Statutes, requires the Department of the Attorney General to collect, store, disseminate, and analyze all hate crime data from all agencies that have primary investigative, action, or program responsibility for adult or juvenile offenses, including the county police departments, the county prosecutors, the family



courts, and the departments or agencies responsible for administering any correctional facilities. The Attorney General is further required to develop the system and the procedures for reporting, inputting, accessing, and protecting the information concerning the commission of hate crimes and obtaining the agreement of agencies permitted to directly input and access information.

Your Committee also finds that there appears to be a disconnect between the number of crimes initially reported as hate crimes and those that are eventually included in the Attorney General's report. Your Committee believes that there needs to be a better understanding of the process in which crimes initially reported as hate crimes lose the element of hate crime during the investigation and prosecution periods of the case.

Your Committee further finds that a task force may duplicate and potentially interfere with ongoing efforts of the Department of the Attorney General. Therefore, your Committee has amended this measure by:

- (1) Deleting all references to the convening of a task force to study the progression of hate crime investigations and prosecutions from the initial police report to the closing of the case;
- (2) Inserting language to request the Attorney General to submit a preliminary and final report to the Legislature on the reporting, investigation, and prosecution of hate crimes in the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 154, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 154, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,




KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:* SCR 154	Committee Referral: JDC	Date: 06/23/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes