

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

TESTIMONY ON SENATE BILL, HB2117 HD1
RELATING TO THE HAWAII CODE OF MILITARY JUSTICE

PRESENTATION TO
THE COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

FEBRUARY 16, 2022

Chair Nakashima, Vice Chair Matayoshi, and members of the Committee on Judiciary & Hawaiian Affairs,

I am Major General Kenneth Hara, Adjutant General, Director of the Hawaii Emergency Management Agency and Homeland Security Advisor.

The Department of Defense (DOD) provides written testimony in **SUPPORT** of HB2117 HD1.

The Hawaii Code of Military Justice (HCMJ) was originally enacted in 1982. This measure if passed will update the HCMJ into the 21st Century. This update is needed to give commanders the tools they need to maintain good order and discipline within the State Military Forces while simultaneously protecting the due process rights of the accused. These changes were based on a model provided by the National Guard Bureau, and also brings non-judicial punishment and court-martial procedures further in line with the Uniform Code of Military Justice as contained in title 10 United States Code.

In addition, this update was coordinated with the Judiciary and the department has no issues with the comments they have submitted in prior testimony. Finally, this revision will further develop confidence in an independent military justice system.

Thank you for this opportunity to provide testimony.

MG Kenneth Hara, kenneth.s.hara@hawaii.gov; 808-672-1001
BG Moses Kaoui Jr., moses.kaoui@hawaii.gov; 808-844-6005

HB-2117-HD-1

Submitted on: 2/15/2022 11:07:09 AM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
DEF-Phelps, Lloyd	Hawaii National Guard	Support	Yes

Comments:

Written testimony submitted by Brigadier General Neal Mitsuyoshi, Hawaii National Guard. I, on behalf of the Adjutant General, and State Department of Defense, will stand in support of said submitted written testimony.



The Judiciary, State of Hawai'i

Testimony to the Thirty-First Legislature, Regular Session of 2022

House Committee on Judiciary & Hawaiian Affairs

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Wednesday, February 16, 2022, 2:00 PM
State Capitol, Conference Room 325
VIA VIDEOCONFERENCE

WRITTEN TESTIMONY ONLY

by:

Shellie Park-Hoapili
Staff Attorney, Hawai'i Supreme Court

Bill No. and Title: House Bill No. 2117, HD 1, Relating to the Hawai'i Code of Military Justice.

Purpose: Updates the Hawai'i Code of Military Justice, by repealing chapter 124A, Hawai'i Revised Statutes, and adding a new chapter to promote order and discipline in the State Military Forces by fostering an independent military justice system and updating nonjudicial punishment and courts-martial procedures. Effective 7/1/3000.

Judiciary's Position:

The Judiciary thanks the House Committee on Corrections, Military, & Veterans for incorporating our requested amendment into this bill, and has no further concerns with the bill.

Thank you for the opportunity to submit testimony on this measure.