

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

LATE

TESTIMONY ON SENATE BILL, SB3085 SD2 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

MARCH 21, 2022

Chair Nakashima, Vice Chair Matayoshi and members of the Committee on Judiciary and 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 SB3085 SD2 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The Hawaii Code of Military Justice (HCMJ) was originally enacted in 1982.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 bring 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. These revisions will also further develop confidence in an independent military justice system.

The proposed changes in this bill were coordinated with the Judiciary. They were subsequently modified and amended by the Legislature, and the DOD has no objects and concurs with the proposed modifications and amendments.

Thank you for this opportunity to provide testimony in support of SB3085 SD2 HD1.

MG Kenneth Hara, kenneth.s.hara@hawaii.gov; 808-672-1001
LTC Lloyd Phelps, lloyd.c.phelps4.mil@army.mil; 808-672-1010