



GOV. MSG. NO. 1250

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 29, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2023, the following bill was signed into law:

HB68 HD1 SD1 CD1

RELATING TO CRIMINAL JUSTICE.
ACT 147

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 29 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 68
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE.

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

1 SECTION 1. The legislature finds that the criminal justice
2 research institute was established by Act 179, Session Laws of
3 Hawaii 2019, within the office of the chief justice, to assess
4 the administrative and technological feasibility of collecting,
5 aggregating, and reporting on criminal pretrial data for
6 purposes of establishing a centralized statewide criminal
7 pretrial justice data reporting and collection system.

8 The legislature further finds that the criminal justice
9 research institute staff conducted research to determine the
10 feasibility of creating a statewide reporting system and
11 identify the most effective and cost-efficient system for the
12 State. Agencies across the country were interviewed and
13 researched to identify options for creating a statewide
14 reporting system. The criminal justice research institute
15 examined statewide policies, operations, and data sources to map
16 out necessary statewide data to create such a system. Based on
17 the results of the criminal justice research institute's



1 research, the legislature finds that the approach most suited to
2 fulfill the intent of Act 179, Session Laws of Hawaii 2019, in
3 an evidence-based and cost-efficient manner is to extract, link,
4 and merge data from existing state databases into a centralized
5 data warehouse. Instead of creating a new database and
6 duplicating data entry or requesting manual data extractions
7 from agencies, technological solutions will work with existing
8 data sources and merge them into a centralized location.

9 In order to assess the feasibility of the technical work
10 needed across different agency information technology systems,
11 the criminal justice research institute selected information
12 technology partners in fall 2022, to develop a technical plan to
13 document the feasibility of extracting and linking criminal
14 pretrial data and estimate the costs and timeline of
15 establishing a statewide reporting system. The legislature
16 finds it is essential that the criminal justice research
17 institute continue its partnership with the department of public
18 safety, judiciary, and Hawaii criminal justice data center to
19 incorporate the three main statewide sources of criminal
20 pretrial data. These three sources house the data and
21 information necessary to calculate and report on criminal



1 pretrial performance metrics in accordance with state law and
2 evidence-based practices.

3 The legislature recognizes that the creation of the
4 statewide reporting system is a substantial and complex
5 undertaking requiring interagency and interbranch collaboration,
6 strategic planning, and resources to accomplish successfully.
7 Several key issues in establishing the system were identified,
8 including the difficulty of combining data from different
9 agencies' databases, many of which are the result of separate
10 data and information technology systems; data primarily
11 collected for operational purposes that must be converted for
12 research; large amounts of data in text fields that may require
13 a technological solution to convert it for quantitative
14 analysis; and inconsistent data definitions across agencies,
15 which prevents the efficient merging of data. Although
16 technology can create a statewide reporting system, it will take
17 time and parallel efforts to address these challenges and to
18 improve data entry practices and the quality of the data. These
19 efforts can occur simultaneously while the system is developed.

20 The legislature additionally finds that there are critical
21 strengths within existing criminal pretrial data systems: each



1 agency holds an electronic database containing a wealth of
2 information critical to the State's criminal pretrial system,
3 and data sources have an identifier for cases or people that
4 will assist in linking the diverse data sources, thereby
5 creating a process to merge data into a centralized location.
6 By leveraging technology to extract and link records, a
7 significant amount of data collection for the statewide
8 reporting system can be automated and streamlined. This type of
9 system will produce more timely metrics and reporting and
10 generate more comprehensive metrics.

11 The legislature further finds that it is technologically
12 feasible to create a statewide reporting system. However, this
13 will only be possible with additional resources, as well as
14 comprehensive, long-term planning and ongoing collaboration with
15 the agencies that house pretrial data.

16 Accordingly, the purpose of this Act is to:

17 (1) Require that ongoing staff support for the centralized
18 statewide criminal pretrial justice data reporting and
19 collection system be conducted by the criminal justice
20 research institute's staff and not be contracted to
21 another entity;



1 (2) Require the criminal justice research institute to
2 protect any information and data that may be shared;

3 (3) Require the criminal justice research institute to
4 submit an annual report regarding the creation of the
5 centralized statewide criminal pretrial justice data
6 reporting and collection system to the legislature for
7 two years; and

8 (4) Appropriate funds to establish a centralized statewide
9 criminal pretrial justice data reporting and
10 collection system pursuant to state law.

11 SECTION 2. Section 614-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§614-3[+] **Centralized statewide criminal pretrial**
14 **justice data reporting and collection system.** (a) The
15 institute shall establish and maintain a centralized statewide
16 criminal pretrial justice data reporting and collection system.

17 (b) In establishing the system, the institute shall take
18 all necessary and appropriate steps, including:

19 (1) Identifying all current databases utilized by various
20 state agencies to track criminal pretrial information;



- 1 (2) Determining the administrative and technological
- 2 feasibility of aggregating and sharing current data;
- 3 and
- 4 (3) Identifying critical gaps in data and information
- 5 collection that are required for a robust assessment
- 6 of criminal pretrial justice matters, which may
- 7 include information relating to:
- 8 (A) Arrests;
- 9 (B) Monetary and non-monetary conditions of release;
- 10 (C) Bail amounts;
- 11 (D) Risk assessments;
- 12 (E) Risk assessment scores;
- 13 (F) Bail report recommendations;
- 14 (G) Information gathered in risk assessments or bail
- 15 reports;
- 16 (H) Bail hearings;
- 17 (I) Judicial decisions to release and conditions
- 18 imposed on release;
- 19 (J) Judicial decisions to detain;



1 (K) Concordance between the bail report
2 recommendation and decision, length of stay, and
3 pretrial supervision; and

4 (L) The degree to which a defendant's assessed risk
5 correlates with the defendant's actual risk,
6 including an assessment of whether the defendant
7 appears in court, commits other crimes, or
8 engages in violent conduct when released from
9 custody.

10 (c) The institute shall develop and track performance
11 indicators that accurately reflect the effectiveness of the
12 State's criminal pretrial system. Performance indicators may
13 include but shall not be limited to:

- 14 (1) The percentage of supervised defendants who make all
15 scheduled court appearances;
- 16 (2) The percentage of supervised defendants who are not
17 charged with a new offense during the pretrial stage;
- 18 (3) The ratio of defendants whose supervision level or
19 detention status corresponds with each respective
20 defendant's assessed risk of pretrial misconduct;
- 21 (4) The percentage of released defendants who:



- 1 (A) Do not have their release revoked for technical
2 violations of the conditions of their release;
- 3 (B) Appear for all scheduled court appearances; and
4 (C) Are not charged with a new offense during
5 pretrial supervision;
- 6 (5) The average length of stay in jail for pretrial
7 detainees who are eligible by statute for pretrial
8 release;
- 9 (6) The percentage of defendants who remain arrest-free
10 during the pretrial release period; and
- 11 (7) The percentage of defendants who remain on release at
12 the conclusion of their pretrial period without a
13 pending request for removal or revocation due to non-
14 compliance.
- 15 (d) Ongoing staff support for the system shall be
16 conducted by the institute's staff and shall not be contracted
17 to another entity.
- 18 (e) The institute shall protect any information and data
19 that may be shared.
- 20 [~~d~~] (f) The institute shall compile an annual report
21 that reviews and analyzes data from the system to evaluate the



1 effectiveness of the State's criminal pretrial system and
2 identify possible improvements. The institute shall submit the
3 report, including any proposed legislation, to the legislature
4 no later than twenty days prior to the convening of each regular
5 session.

6 ~~[-(e)]~~ (g) As used in this section, unless the context
7 otherwise requires, "system" means the centralized statewide
8 criminal pretrial justice data reporting and collection system
9 established by this section."

10 SECTION 3. The criminal justice research institute shall
11 submit an annual report regarding the creation of the
12 centralized statewide criminal pretrial justice data reporting
13 and collection system to the legislature no later than twenty
14 days prior to the convening of the regular sessions of 2024 and
15 2025.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$1,298,740 or so much
18 thereof as may be necessary for fiscal year 2023-2024 and
19 \$954,080 or so much thereof as may be necessary for fiscal year
20 2024-2025 to establish a centralized statewide criminal pretrial



1 justice data reporting and collection system; provided that the
2 sums appropriated shall be allocated as follows:

3 (1) The sum of \$1,150,000 for fiscal year 2023-2024 and
4 \$800,000 for fiscal year 2024-2025 for information
5 technology consultant services, software licensing,
6 data storage, and any other necessary costs incurred
7 by the criminal justice research institute in
8 implementing this Act, excluding the costs set forth
9 in paragraph (2);

10 (2) The sum of \$80,184 for fiscal year 2023-2024 and
11 \$83,064 for fiscal year 2024-2025 to establish one
12 permanent full-time equivalent (1.0 FTE) project
13 specialist position exempt from chapter 76, Hawaii
14 Revised Statutes, within the criminal justice research
15 institute; and

16 (3) The sum of \$68,556 for fiscal year 2023-2024 and
17 \$71,016 for fiscal year 2024-2025 to establish one
18 temporary full-time equivalent (1.0 FTE) project
19 specialist position exempt from chapter 76, Hawaii
20 Revised Statutes, within the judiciary.



1 The sums appropriated shall be expended by the judiciary
2 for the purposes of this Act.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$74,124 or so much
5 thereof as may be necessary for fiscal year 2023-2024 and
6 \$76,788 or so much thereof as may be necessary for fiscal year
7 2024-2025 to establish a centralized statewide criminal pretrial
8 justice data reporting and collection system; provided that the
9 sums appropriated shall be allocated to establish one temporary
10 full-time equivalent (1.0 FTE) information technology analyst
11 position, or an equivalent position, within the department of
12 public safety or its successor department of corrections and
13 rehabilitation.

14 The sums appropriated shall be expended by the department
15 of public safety or its successor department of corrections and
16 rehabilitation for the purposes of this Act.

17 SECTION 6. In accordance with section 9 of article VII of
18 the Hawaii State Constitution and sections 37 91 and 37 93,
19 Hawaii Revised Statutes, the legislature has determined that the
20 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D.
21 1, will cause the state general fund expenditure ceiling for



1 fiscal year 2023 2024 to be exceeded by \$1,063,767,367 or 10 per
2 cent. In addition, the appropriations contained in this Act
3 will cause the general fund expenditure ceiling for fiscal year
4 2023-2024 to be further exceeded by \$1,372,864 or 1 per cent.
5 The combined total amount of general fund appropriations
6 contained in only these two Acts will cause the state general
7 fund expenditure ceiling for fiscal year 2023-2024 to be
8 exceeded by \$1,065,140,231 or 11 per cent. The reasons for
9 exceeding the general fund expenditure ceiling are that:

- 10 (1) The appropriation made in this Act is necessary to
11 serve the public interest; and
12 (2) The appropriation made in this Act meets the needs
13 addressed by this Act.

14 SECTION 7. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect on July 1, 2023.



H.B. NO.

68
H.D. 1
S.D. 1
C.D. 1

APPROVED this 29th day of June , 2023

A handwritten signature in black ink, appearing to read "Jon L. Green". The signature is written in a cursive style with a large initial "J".

GOVERNOR OF THE STATE OF HAWAII

HB No. 68, HD 1, SD 1, CD 1

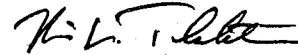
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: **MAY 04 2023**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

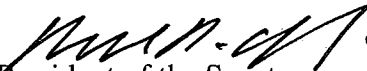



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: MAY 04 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate