



GOV. MSG. NO. 1260

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:

SB210 SD2 HD1 CD1

RELATING TO CRIMINAL JUSTICE DATA
SHARING.
ACT 157

Sincerely,

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

on JUN 29 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 210
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE DATA SHARING.

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

1 SECTION 1. The legislature finds that the State lacks a
2 common repository for tracking data related to the criminal
3 justice system. All state and county criminal justice agencies
4 plan, design, procure, implement, and operate their own separate
5 information systems. As such, data sharing consists of one-off
6 solutions, often requiring grants and outside contractors.

7 Accordingly, the purpose of this Act is to establish a
8 criminal justice data sharing working group to make
9 recommendations for a statewide criminal justice data repository
10 to:

- 11 (1) Facilitate collaborative decision-making, coordinated
12 planning, and cooperative implementation among
13 criminal justice agencies and relevant partners;
- 14 (2) Support the fair, efficient, and effective operation
15 of the criminal justice system;
- 16 (3) Promote interoperability through the use of common
17 elements;



- 1 (4) Allow agencies to securely and efficiently share
- 2 appropriate information; and
- 3 (5) Support criminal justice and other purposes, including
- 4 improved public safety and homeland security, while
- 5 respecting the privacy of citizens.

6 SECTION 2. (a) There is established the criminal justice
7 data sharing working group to address the complexities of
8 statewide data sharing in the criminal justice system and make
9 recommendations for a statewide criminal justice data
10 repository. The working group shall:

- 11 (1) Develop a formal memorandum of agreement to be
- 12 executed by participating agencies to ensure the
- 13 repository's continued operation and coordinated
- 14 planning and development;
- 15 (2) Identify operational and policy drivers that will
- 16 influence development priorities for the repository in
- 17 the short and long term;
- 18 (3) Identify policy, legislative, and operational issues
- 19 associated with the planning, development, and
- 20 implementation of the repository; and



- 1 (4) Formulate recommendations for changes in policy,
2 legislation, and operations to facilitate data
3 sharing.
- 4 (b) The working group shall comprise of the following
5 members:
- 6 (1) The attorney general, or the attorney general's
7 designee, who shall serve as chairperson of the
8 working group;
- 9 (2) The director of public safety, if applicable, or the
10 director's designee;
- 11 (3) The director of corrections and rehabilitation, if
12 applicable, or the director's designee;
- 13 (4) The director of law enforcement, if applicable, or the
14 director's designee;
- 15 (5) The administrative director of the courts, or the
16 administrator's designee;
- 17 (6) The public defender, or the public defender's
18 designee;
- 19 (7) The prosecuting attorney for the counties of Hawaii,
20 Maui, Kauai, and the city and county of Honolulu, or
21 the prosecuting attorney's designee;



- 1 (8) The chief of police for the counties of Hawaii, Maui,
2 Kauai, and the city and county of Honolulu, or the
3 chief's designee;
- 4 (9) The chair of the house of representatives committee on
5 corrections, military, and veterans, or the chair's
6 designee; and
- 7 (10) The chair of the senate committee on public safety and
8 intergovernmental and military affairs, or the chair's
9 designee.
- 10 (c) The working group shall select a vice chairperson from
11 among its members.
- 12 (d) The working group may:
- 13 (1) Hold informational briefings and listening sessions to
14 gather input from the public on issues related to
15 criminal justice data sharing within the State; and
- 16 (2) Request assistance and feedback from subject matter
17 experts, as needed, to enable the working group to
18 carry out its work.
- 19 (e) The working group shall provide to the legislature:
- 20 (1) Annual updates, including recommendations for any
21 legislative or administrative action the working group



- 1 deems appropriate to address data sharing concerns or
2 to enable the working group to carry out its work; and
3 (2) A final report, including recommendations for further
4 actions to be implemented over the following two
5 years, no later than twenty days prior to the
6 convening of the regular session of 2026, for a
7 repository start date of July 1, 2028.
- 8 (f) The legislative reference bureau, upon request of the
9 working group's chairperson by no later than October 1st of each
10 year, may draft proposed legislation for the working group.
- 11 (g) The working group shall be officially convened at the
12 pleasure of the chairperson and vice chairperson, but no later
13 than August 1, 2023.
- 14 (h) The data to be shared between departments may include:
- 15 (1) For each criminal case:
- 16 (A) Pre-charging information;
- 17 (B) Case number;
- 18 (C) Date the alleged offense occurred;
- 19 (D) County in which the offense is alleged to have
20 occurred;



- 1 (E) Date the defendant was taken into physical
- 2 custody by a law enforcement agency or was issued
- 3 a notice to appear on a criminal charge, if the
- 4 date is different than the date on which the
- 5 offense is alleged to have occurred;
- 6 (F) Date that the criminal prosecution of a defendant
- 7 was formally initiated, either by the state
- 8 attorney filing an information with the clerk of
- 9 the court, or an indictment issued by a grand
- 10 jury;
- 11 (G) Arraignment date;
- 12 (H) Attorney assignment date;
- 13 (I) Attorney withdrawal date;
- 14 (J) Case status; and
- 15 (K) Disposition date;
- 16 (2) For each defendant:
- 17 (A) Name;
- 18 (B) Date of birth;
- 19 (C) Age;
- 20 (D) Race, ethnicity, and national origin;
- 21 (E) Gender;



- 1 (F) Address of primary residence;
- 2 (G) Primary language;
- 3 (H) Citizenship;
- 4 (I) Immigration status, if applicable;
- 5 (J) Whether the defendant has been found by a court
- 6 to be indigent;
- 7 (K) Information related to any formal charges filed
- 8 against the defendant, including:
 - 9 (i) Charge description;
 - 10 (ii) Charge modifier, if applicable; and
 - 11 (iii) Drug type for each drug charge, if known;
- 12 (L) Qualifications for any flag designation,
- 13 including flags for domestic violence, gang
- 14 affiliation, sexual offenses, habitual offenses,
- 15 or pretrial release violations;
- 16 (M) Information related to bail or bond and pretrial
- 17 release determinations, including:
 - 18 (i) All monetary and nonmonetary conditions of
 - 19 release;
 - 20 (ii) Any modification of bail or bond conditions
 - 21 made by a court having jurisdiction to try



1 the defendant or by the circuit court,
2 including modifications to any monetary or
3 nonmonetary conditions of release;
4 (iii) Cash bail or bond payment, including whether
5 the defendant utilized a bond agent to post
6 a surety bond; and
7 (iv) Any bail or bond revocation due to a new
8 offense, failure to appear, or violation of
9 the terms of bail or bond, if applicable;
10 (N) Information related to sentencing, including:
11 (i) Date that a court entered a sentence against
12 a defendant;
13 (ii) Charge sentenced to, including charge
14 sequence number, charge description,
15 statute, type, and charge class severity;
16 (iii) Sentence type and length imposed by the
17 court, including the total duration of
18 imprisonment in a court detention facility
19 or state correctional institution or
20 facility, and conditions for probation or
21 community control supervision; and



- 1 (iv) Amount of time that the defendant has served
- 2 in custody that is related to the reported
- 3 criminal case and will be credited at the
- 4 time of the case's disposition to reduce the
- 5 actual length of time the defendant will
- 6 serve on the term of imprisonment that the
- 7 court orders at disposition; and
- 8 (O) Any restitution ordered, including the amount
- 9 collected by the court and the amount paid to the
- 10 victim;
- 11 (3) For each victim, the relationship to the offender, if
- 12 any;
- 13 (4) For each inmate:
- 14 (A) Date and reason the defendant was processed into
- 15 the county detention facility subsequent to an
- 16 arrest for a new violation of law, probation, or
- 17 community control;
- 18 (B) Qualifications for any flag designation,
- 19 including flags for domestic violence, gang
- 20 affiliation, sexual offenses, habitual offenses,
- 21 or pretrial release violations;



- 1 (C) Identification number assigned by the department;
- 2 (D) Number of children;
- 3 (E) Education level, including any vocational
- 4 training;
- 5 (F) Date the inmate was admitted to the custody of
- 6 the department;
- 7 (G) Current institution placement and the security
- 8 level assigned to the institution;
- 9 (H) Custody level assignment;
- 10 (I) Whether the reason for admission to the
- 11 department was for a new conviction or a
- 12 violation of probation, community control, or
- 13 parole. For an admission of probation, community
- 14 control, or parole violation, whether the
- 15 violation was technical or based on a new
- 16 violation of law;
- 17 (J) Specific statutory citation for which the inmate
- 18 was committed to the department, including an
- 19 inmate convicted of drug trafficking;
- 20 (K) Length of sentence or concurrent or consecutive
- 21 sentences served;



- 1 (L) Tentative release date;
- 2 (M) Any prior incarceration within the State;
- 3 (N) Any disciplinary violation and action; and
- 4 (O) Any participation in rehabilitative or
- 5 educational programs while in the custody of the
- 6 department; and
- 7 (5) For persons supervised by the department for probation
- 8 or community control:
 - 9 (A) Name;
 - 10 (B) Date of birth;
 - 11 (C) Race, ethnicity, and national origin;
 - 12 (D) Gender;
 - 13 (E) Department-assigned case number;
 - 14 (F) Length of probation or community control sentence
 - 15 imposed and amount of time that has been served
 - 16 on the sentence;
 - 17 (G) Projected termination date for probation or
 - 18 community control; and
 - 19 (H) Any revocation of probation or community control
 - 20 due to a violation, including whether the
 - 21 revocation is due to a technical violation of the



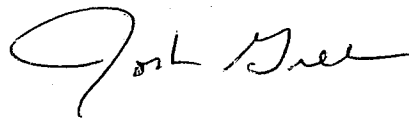
1 conditions of supervision or a new violation of
2 law.

3 (i) The working group members and their respective
4 departments and agencies shall protect the information and data
5 that may be shared as part of the working group.

6 (j) The working group shall cease to exist on July 1,
7 2029.

8 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 29th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII

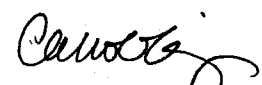


THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 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

SB No. 210, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 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