

JAN 19 2023

---

# 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. The  
9 working group shall:

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



1 (4) Formulate recommendations for changes in policy,  
2 operations, and legislation to facilitate data  
3 sharing.

4 (b) The working group shall comprise the following  
5 members:

6 (1) The chief of police for the counties of Hawaii, Maui,  
7 Kauai, and the City and County of Honolulu, or the  
8 chief's designee;

9 (2) The prosecuting attorney for the counties of Hawaii,  
10 Maui, Kauai, and the City and County of Honolulu, or  
11 the prosecuting attorney's designee;

12 (3) The public defender, or the public defender's  
13 designee;

14 (4) The director of public safety, if applicable, or the  
15 director's designee;

16 (5) The director of corrections and rehabilitation, if  
17 applicable, or the director's designee;

18 (6) The director of law enforcement, if applicable, or the  
19 director's designee;

20 (7) The administrative director of the courts, or the  
21 administrator's designee;



1 (8) The chair of the house of representatives committee on  
2 corrections, military, and veterans, or the chair's  
3 designee;

4 (9) The chair of the senate committee on public safety and  
5 intergovernmental and military affairs, or the chair's  
6 designee; and

7 (10) The attorney general, or the attorney general's  
8 designee.

9 (c) The working group shall select a chairperson and vice  
10 chairperson from among its members.

11 (d) The working group may:

12 (1) Hold informational briefings and listening sessions to  
13 gather input from the public on issues related to  
14 criminal justice data sharing within the State; and

15 (2) Request assistance and feedback from subject matter  
16 experts, as needed, to enable the working group to  
17 carry out its work.

18 (e) The working group shall provide to the legislature:

19 (1) Periodic updates, including recommendations for any  
20 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           program start date of July 1, 2028.

8           (f) The legislative reference bureau is requested to  
9           provide staff, research, and drafting assistance to the working  
10          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;



# S.B. NO. 210

- 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, whether the violation was
- 15 technical or based on a new violation of law;
- 16 (J) Specific statutory citation for which the inmate
- 17 was committed to the department, including an
- 18 inmate convicted of drug trafficking;
- 19 (K) Length of sentence or concurrent or consecutive
- 20 sentences served;
- 21 (L) Tentative release date;



# S.B. NO. 210

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



# S.B. NO. 210

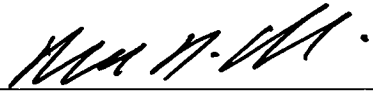
1 conditions of supervision or a new violation of  
2 law.

3 (i) The working group shall cease to exist on .

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

5

INTRODUCED BY:



By Request



# S.B. NO. 210

**Report Title:**

City and County of Honolulu Package; Criminal Justice Data Sharing; Working Group

**Description:**

Establishes a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

