

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE CRIMINAL JUSTICE RESEARCH INSTITUTE, IN
COLLABORATION WITH THE JUDICIARY AND DEPARTMENT OF PUBLIC
SAFETY, TO REPORT ON THE OUTCOMES OF INDIVIDUALS RELEASED
ON BAIL AND OTHER FORMS OF PRETRIAL RELEASE.

1 WHEREAS, several jurisdictions, including Hawai'i, have
2 explored abolishing the use of monetary bail as a condition of
3 pretrial release, an effort commonly known as bail reform; and
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5 WHEREAS, when deliberating whether to enact bail reform
6 measures, consideration of statistical information is critical
7 to the discussion, such as the percentage of individuals
8 released on bail who while in the community pending trial were
9 subsequently arrested for committing new crimes, failed to
10 appear at a required court appearance, or experienced other
11 adverse outcomes, and how these adverse outcomes compare to
12 individuals released on other grounds, such as supervised
13 release and release on recognizance; and
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15 WHEREAS, the Harry Frank Guggenheim Foundation's January
16 2023 report entitled *Is Bail Reform Causing an Increase in*
17 *Crime?* assessed bail reform in eleven jurisdictions, which did
18 not include Hawai'i, for the effect, if any, of bail reform on
19 crime and found that "[v]iolent crime trends after reforms
20 present no clear or obvious pattern in these
21 jurisdictions...neither violent nor nonviolent crimes or charges
22 increased markedly immediately after jurisdictions implemented
23 bail reform."; and
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25 WHEREAS, Hawai'i's current bail system continues to use
26 monetary bail as a condition of pretrial release; however, data
27 on the outcomes of individuals released after meeting bail have
28 not been compiled or publicly reported; and
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30 WHEREAS, the Criminal Justice Research Institute was
31 established by Act 179, Session Laws of Hawaii 2019, within the



1 Office of the Chief Justice to assess the administrative and
2 technological feasibility of collecting, aggregating, and
3 reporting on criminal pretrial data for purposes of establishing
4 a centralized statewide criminal pretrial justice data reporting
5 and collection system; and

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7 WHEREAS, the Criminal Justice Research Institute has, as
8 part of its progress towards establishing a pretrial database,
9 identified statewide pretrial data sources from the Hawaii State
10 Judiciary that would reveal the outcomes of individuals released
11 into the community pending trial; now, therefore,

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13 BE IT RESOLVED by the Senate of the Thirty-second
14 Legislature of the State of Hawaii, Regular Session of 2023, the
15 House of Representatives concurring, that the Criminal Justice
16 Research Institute, in collaboration with the Judiciary and
17 Department of Public Safety, is requested to compile and report
18 data on the outcomes of individuals released into the community
19 pending trial, to include the numbers and percentages of
20 individuals who met bail; were on supervised release; or were
21 released on recognizance and who, while pending trial,
22 subsequently were arrested for committing new crimes, failed to
23 appear at a required court appearance, or other adverse
24 outcomes; and

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26 BE IT FURTHER RESOLVED that the Criminal Justice Research
27 Institute is requested to submit a report on the pretrial data
28 to the Legislature by December 1, 2023, and it is requested that
29 the report be made publicly available and posted on the Criminal
30 Justice Research Institute's website; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Chief Justice of the
34 Hawaii Supreme Court, Director of Public Safety, Director of the
35 Criminal Justice Research Institute, Administrator of the
36 Criminal Justice Data Center, and Oversight Coordinator of the
37 Hawaii Correctional System Oversight Commission.

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