

MAR 10 2023

SENATE 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
32 Office of the Chief Justice to assess the administrative and
33 technological feasibility of collecting, aggregating, and
34 reporting on criminal pretrial data for purposes of establishing



1 a centralized statewide criminal pretrial justice data reporting
2 and collection system; and

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

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

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

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

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OFFERED BY:

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