

JAN 24 2024

A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE DATA SHARING GROUPS.

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

1 SECTION 1. The legislature finds that there are several
2 working groups and commissions that focus on gun violence,
3 violent crime, and criminal data sharing, including the
4 governor's commission on crime, the criminal justice data
5 sharing working group, and the gun violence and violent crimes
6 commission. Each of these groups' purposes have some overlap
7 with one another, and the membership of these working groups and
8 commissions all include the county prosecutors, county police
9 chiefs, and the attorney general. As such, each of these public
10 servants attend multiple and overlapping meetings.

11 Accordingly, the purpose of this Act is to amend the
12 membership of the criminal justice data sharing working group
13 established in Act 157, Session Laws of Hawaii 2023, to include
14 members currently serving on the gun violence and violent crimes
15 commission and to repeal the gun violence and violent crimes
16 commission to increase the efficiency and effectiveness of the
17 data sharing working group.

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1 SECTION 2. Act 157, Session Laws of Hawaii 2023, is
2 amended by amending section 2, to read as follows:

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

- 8 (1) Develop a formal memorandum of agreement to be executed
9 by participating agencies to ensure the repository's
10 continued operation and coordinated planning and
11 development;
- 12 (2) Identify operational and policy drivers that will
13 influence development priorities for the repository in
14 the short and long term;
- 15 (3) Identify policy, legislative, and operational issues
16 associated with the planning, development, and
17 implementation of the repository; ~~and~~
- 18 (4) Formulate recommendations for changes in policy,
19 legislation, and operations to facilitate data
20 sharing[-];
- 21 (5) Identify relevant data that may be used to reduce gun
22 violence and violent crimes;

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- 1 (6) Identify areas in which relevant data that may be used
2 to reduce gun violence and violent crimes is not
3 available;
- 4 (7) Maximize the sharing between agencies represented on the
5 data sharing working group and other appropriate
6 stakeholders of data relevant to reducing gun violence
7 and violent crimes; and
- 8 (8) Coordinate and conduct research on gun violence and
9 violent crimes.
- 10 (b) The working group shall comprise of the following
11 members ~~[+]~~ or their designees:
- 12 (1) The attorney general, ~~[or the attorney general's~~
13 ~~designee,~~] who shall serve as chairperson of the
14 working group;
- 15 ~~[(2) The director of public safety, if applicable, or the~~
16 ~~director's designee,~~
- 17 ~~-(3)]~~ (2) The director of corrections and rehabilitation ~~[~~
18 ~~if applicable, or the director's designee];~~
- 19 ~~[(4)]~~ (3) The director of law enforcement ~~[, if applicable,~~
20 ~~or the director's designee];~~
- 21 ~~[(5)]~~ (4) The administrative director of the courts ~~[, or~~
22 ~~the administrator's designee];~~

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- 1 ~~[(6)]~~ (5) The public defender ~~[, or the public defender's~~
2 designee];
- 3 ~~[(7)]~~ (6) The prosecuting attorney for the counties of
4 Hawaii, Maui, Kauai, and the city and county of
5 Honolulu ~~[, or the prosecuting attorney's designee];~~
- 6 ~~[(8)]~~ (7) The chief of police for the counties of Hawaii,
7 Maui, Kauai, and the city and county of Honolulu ~~[, or~~
8 ~~the chief's designee];~~
- 9 ~~[(9)]~~ (8) The chair of the house of representatives committee
10 on corrections, military, and veterans ~~[, or the chair's~~
11 designee]; [and]
- 12 ~~[(10)]~~ (9) The chair of the senate committee on public safety
13 and intergovernmental and military affairs ~~[, or the~~
14 ~~chair's designee.];~~
- 15 (10) The chief justice of the supreme court of Hawaii;
- 16 (11) The dean of the college of social sciences at the
17 University of Hawaii at Manoa; and
- 18 (12) The dean of the John A. Burns school of medicine.
- 19 (c) The working group shall select a vice chairperson from
20 among its members.
- 21 (d) The working group may:

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- 1 (1) Hold informational briefings and listening sessions to
2 gather input from the public on issues related to
3 criminal justice data sharing within the State; and
- 4 (2) Request assistance and feedback from subject matter
5 experts, as needed, to enable the working group to
6 carry out its work.
- 7 (e) The working group shall provide to the legislature:
- 8 (1) Annual updates, including recommendations for any
9 legislative or administrative action the working group
10 deems appropriate to address data sharing concerns or
11 to enable the working group to carry out its work; and
- 12 (2) A final report, including recommendations for further
13 actions to be implemented over the following two years,
14 no later than twenty days prior to the convening of the
15 regular session of 2026, for a repository start date of
16 July 1, 2028.
- 17 (f) The legislative reference bureau, upon request of the
18 working group's chairperson by no later than October 1st of each
19 year, may draft proposed legislation for the working group.
- 20 (g) The working group shall be officially convened at the
21 pleasure of the chairperson and vice chairperson, but no later
22 than August 1, 2023.

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- 1 (h) The data to be shared between departments may include:
- 2 (1) For each criminal case:
- 3 (A) Pre-charging information;
- 4 (B) Case number;
- 5 (C) Date the alleged offense occurred;
- 6 (D) County in which the offense is alleged to have
- 7 occurred;
- 8 (E) Date the defendant was taken into physical
- 9 custody by a law enforcement agency or was issued
- 10 a notice to appear on a criminal charge, if the
- 11 date is different than the date on which the
- 12 offense is alleged to have occurred;
- 13 (F) Date that the criminal prosecution of a defendant
- 14 was formally initiated, either by the state
- 15 attorney filing an information with the clerk of
- 16 the court, or an indictment issued by a grand
- 17 jury;
- 18 (G) Arraignment date;
- 19 (H) Attorney assignment date;
- 20 (I) Attorney withdrawal date;
- 21 (J) Case status; and
- 22 (K) Disposition date.

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- 1 (2) For each defendant:
- 2 (A) Name;
- 3 (B) Date of birth;
- 4 (C) Age;
- 5 (D) Race, ethnicity, and national origin;
- 6 (E) Gender;
- 7 (F) Address of primary residence;
- 8 (G) Primary language;
- 9 (H) Citizenship;
- 10 (I) Immigration status, if applicable;
- 11 (J) Whether the defendant has been found by a court
- 12 to be indigent;
- 13 (K) Information related to any formal charges filed
- 14 against the defendant, including:
- 15 (i) Charge description;
- 16 (ii) Charge modifier, if applicable; and
- 17 (iii) Drug type for each drug charge, if known;
- 18 (L) Qualifications for any flag designation,
- 19 including flags for domestic violence, gang
- 20 affiliation, sexual offenses, habitual offenses,
- 21 or pretrial release violations;

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- 1 (M) Information related to bail or bond and pretrial
2 release determinations, including:
- 3 (i) All monetary and nonmonetary conditions of
4 release;
- 5 (ii) Any modification of bail or bond conditions
6 made by a court having jurisdiction to try
7 the defendant or by the circuit court,
8 including modifications to any monetary or
9 nonmonetary conditions of release;
- 10 (iii) Cash bail or bond payment, including whether
11 the defendant utilized a bond agent to post
12 a surety bond; and
- 13 (iv) Any bail or bond revocation due to a new
14 offense, failure to appear, or violation of
15 the terms of bail or bond, if applicable;
- 16 (N) Information related to sentencing, including:
- 17 (i) Date that a court entered a sentence against
18 a defendant;
- 19 (ii) Charge sentenced to, including charge
20 sequence number, charge description,
21 statute, type, and charge class severity;

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- 1 (iii) Sentence type and length imposed by the
2 court, including the total duration of
3 imprisonment in a court detention facility
4 or state correctional institution or
5 facility, and conditions for probation or
6 community control supervision; and
7 (iv) Amount of time that the defendant has served
8 in custody that is related to the reported
9 criminal case and will be credited at the
10 time of the case's disposition to reduce the
11 actual length of time the defendant will
12 serve on the term of imprisonment that the
13 court orders at disposition; and
14 (O) Any restitution ordered, including the amount
15 collected by the court and the amount paid to the
16 victim;
17 (3) For each victim, the relationship to the offender, if
18 any;
19 (4) For each inmate:
20 (A) Date and reason the defendant was processed into
21 the county detention facility subsequent to an

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- 1 arrest for a new violation of law, probation, or
2 community control;
- 3 (B) Qualifications for any flag designation,
4 including flags for domestic violence, gang
5 affiliation, sexual offenses, habitual offenses,
6 or pretrial release violations;
- 7 (C) Identification number assigned by the reporting
8 department;
- 9 (D) Number of children;
- 10 (E) Education level, including any vocational
11 training;
- 12 (F) Date the inmate was admitted to the custody of
13 the reporting department;
- 14 (G) Current institution placement and the security
15 level assigned to the institution;
- 16 (H) Custody level assignment;
- 17 (I) Whether the reason for admission to the reporting
18 department was for a new conviction or a
19 violation of probation, community control, or
20 parole. For an admission of probation, community
21 control, or parole violation, whether the

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- 1 violation was technical or based on a new
2 violation of law;
- 3 (J) Specific statutory citation for which the inmate
4 was committed to the department, including an
5 inmate convicted of drug trafficking;
- 6 (K) Length of sentence or concurrent or consecutive
7 sentences served;
- 8 (L) Tentative release date;
- 9 (M) Any prior incarceration within the State;
- 10 (N) Any disciplinary violation and action; and
- 11 (O) Any participation in rehabilitative or
12 educational programs while in the custody of the
13 department; and
- 14 (5) For persons supervised by the reporting department for
15 probation or community control:
- 16 (A) Name;
- 17 (B) Date of birth;
- 18 (C) Race, ethnicity, and national origin;
- 19 (D) Gender;
- 20 (E) Department-assigned case number;

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1 (F) Length of probation or community control sentence
2 imposed and amount of time that has been served
3 on the sentence;

4 (G) Projected termination date for probation or
5 community control; and

6 (H) Any revocation of probation or community control
7 due to a violation, including whether the
8 revocation is due to a technical violation of the
9 conditions of supervision or a new violation of
10 law.

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

14 (j) The working group shall cease to exist on July 1,
15 2029."

16 SECTION 3. Chapter 134C, Hawaii Revised Statutes, is
17 repealed.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

4

BY REQUEST

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Report Title:

Data Sharing; Criminal Justice Data Sharing Working Group;GVVCC;
Repeal

Description:

Amends the Criminal Justice Data Sharing Working Group to combine its members and functions with certain members and functions of the Gun Violence and Violent Crimes Commission to increase efficiency and effectiveness and eliminate redundancy. Repeals chapter 134C, Hawaii Revised Statutes, which established the Gun Violence and Violent Crimes Commission.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE DATA SHARING GROUPS.

PURPOSE: To consolidate two working groups with overlapping membership and similar responsibilities. This bill will add certain members and responsibilities from the Gun Violence and Violent Crime Commission to the Criminal Justice Data Sharing Group to streamline the efforts to improve the data sharing in the state criminal justice system.

MEANS: Repeal chapter 134C, Hawaii Revised Statutes (HRS); amend Act 157, SLH 2023.

JUSTIFICATION: This bill is a housekeeping measure. Act 157, Session Laws of Hawaii 2023, established the Criminal Justice Data Sharing Working Group to address the complexities of statewide data sharing in the criminal justice system and to make recommendations for a statewide criminal justice data repository. The responsibilities of the Act 157 working group essentially duplicate those of the Gun Violence and Violent Crimes Commission (GVVCC), thereby making the continued existence of the GVVCC unnecessary. This bill eliminates the redundancy between the Act 157 working group and the GVVCC, and prevents the working group members and the GVVCC members from needing to duplicate their efforts.

Impact on the public: There should be no impact on the public because the GVVCC responsibilities from chapter 134C, HRS, will be continued by the Act 157 working group.

Impact on the department and other agencies:
The impact to the Department and other

agencies is small, because essentially the same duties and responsibilities that exist under chapter 134C, HRS, are now required by Act 157.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG-231.

OTHER AFFECTED
AGENCIES: The Director of Health and the Hawaii State Hospital Administrator no longer will have automatic membership in the Act 157 group, as they did in the GVVCC. Members in the Act 157 group that are not in the GVVCC include prosecutors from all four counties, instead of just one, the administrative director of the courts, the Chair of the House Committee on Corrections, Military and Veterans, and the Chair of the Senate Committee on Public Safety and Intergovernmental and Military Affairs.

EFFECTIVE DATE: Upon approval.