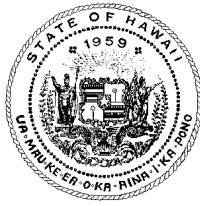


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Pamela J. Sturz
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON HOUSE BILL 1953, HOUSE DRAFT 1
RELATING TO PENAL CODE.

by
Tommy Johnson

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

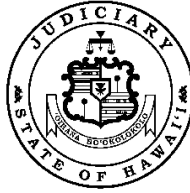
Thursday, February 22, 2024; 11:30 a.m.
State Capitol, Conference Room 308 & via Videoconference

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports the intent of House Bill (HB) 1953, House Draft (HD) 1, which requires the Judicial Council to conduct a comprehensive review of the Hawai'i Penal Code and to recommend proposed changes. This measure also requires the Judiciary to appoint an advisory committee to assist in the review and allows the Council to also appoint a reporter and other staff as necessary and requires the advisory committee to report to the legislature.

Periodic reviews of Hawai'i's Penal Code and subsequent recommended changes to the Penal Code are imperative to having an effective, fair, and balanced penal code. For these reasons, the DCR supports the intent of HB 1953 and respectfully defers to the Judiciary on Advisory Committee issues and concerns.

Thank you for the opportunity to provide testimony in support of the intent of HB 1953, HD 1.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2024 Regular Session

House Committee on Finance

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Thursday, February 22, 2024, 11:30 a.m.
Conference Room 325 & Videoconference

By

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1953, H.D. 1, Relating to the Penal Code.

Purpose: Requires the Judicial Council to conduct a comprehensive review of the Hawai‘i Penal Code and to recommend proposed changes. Requires the Judicial Council to appoint an advisory committee to assist in the review, and allows the Council to also appoint a reporter and other staff as necessary. Requires the advisory committee to report to the Legislature. Appropriates funds. Effective 7/1/33000. (HD1)

Judiciary's Position:

The Judiciary takes no position and offers the following comments.

Reviews of the penal code are large undertakings that require extensive time commitments by numerous stakeholders across the state, and since 1972 have occurred approximately every ten years. Just eight years ago, in 2016, the Legislature considered recommendations from a 29-member penal code review committee representing nearly twenty different departments, organizations, and interests, who contributed more than a thousand hours to the 2015 penal code review. After considering eighty-four proposals, the Legislature passed the 137-page Act 231 (SLH 2016) (HB2561, HD1, SD1, CD1).



House Bill No. 1953, H.D. 1, Relating to the Penal Code
House Committee on Finance
Thursday, February 22, 2024
Page 2

Penal code reviews typically involve a comprehensive examination of the penal code and are historically chaired by a sitting judge. The work of a penal code review also requires modest funding for a reporter, the holding of meetings, and research/clerical staff. The Judiciary appreciates the funding contemplated in this measure for this large and comprehensive undertaking, and respectfully requests that any appropriation not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on this measure.

STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. No. (808) 586-2080

DISTRICT COURT DIVISION
TEL. No. (808) 586-2100

FAMILY COURT DIVISION
TEL. No. (808) 586-2300

FELONY DIVISION
TEL. No. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

February 21, 2024

ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. No. (808) 974-4571
FAX No. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. No. (808) 327-4650
FAX No. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. No. (808) 241-7128
FAX No. (808) 274-3422

MAU'I OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. No. (808) 984-5018
FAX No. (808) 984-5022

**TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER STATE OF HAWAII
TO THE COMMITTEE ON FINANCE**

H.B. No. 1953: RELATING TO THE PENAL CODE

February 22, 2024 at 11:30 a.m.

**Chair Kyle T. Yamashita
Vice Chair Lisa Kitagawa
Honorable Committee Members**

The Office of the Public Defender (OPD) supports this bill.

The Legislature has started on a path of moving away from the antiquated carceral focus of penal law to a more progressive, rehabilitative approach. In order to ensure that the Hawaii Penal Code accurately reflects the focus on treatment and rehabilitation it is important for a comprehensive review to occur of existing offenses and punishment. Many of the offenses and punishment schemes in the Penal Code are based on carceral policies and ideologies which are outmoded and obsolete.

The OPD supports this bill. Thank you for the opportunity to comment on H.B. No. 1953.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON FINANCE

Representative Kyle T. Yamashita, Chair

Representative Lisa Kitagawa, Vice Chair

Thursday, February 22, 2024

Room 308 & Videoconference

11:30 AM

STRONG SUPPORT FOR HB 1953 HD1 - PENAL CODE REVIEW

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the 3,866 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on February 12, 2024. We are always mindful that 858 - 25% of the male imprisoned population - of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to testify in strong support of HB 1953 HD1 that requires the Judicial Council to conduct a comprehensive review of the Hawai`i Penal Code and to recommend changes. It also requires that the Council appoint an advisory committee to assist in the review, who then must file a report to the Legislature, and appoint a reporter and other staff, as necessary.

We support this measure because the Hawai`i Penal Code must be evolving as society changes with the times. A Hawai`i Penal Code that is in concert with the Aloha Spirit Law would be a welcome change from Hawai`i’s ‘tough on crime’

¹ DPS/DCR Weekly Population Report, February 12, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-02-12.pdf>

statutes that have caused and continue to cause great harm to our families and communities.

The recommendations of the comprehensive review will ensure that the Hawai`i Penal Code is consistent and proportional, aligned with National best practices based on evidence-based strategies, cost effective in deterring crime, reducing recidivism, providing restitution to victims in a way that provides equity and justice regardless of socioeconomic class, and appropriately responding to mental illness.

I served on the 2015 Penal Code committee as Community Alliance on Prisons' representative. It is important to have wide representation on the advisory committee as we all live here and the statutes in the penal code impact the larger community.