



## *The Judiciary, State of Hawai‘i*

### Testimony to the Thirty-Second Legislature, 2024 Regular Session

**House Committee on Judiciary and Hawaiian Affairs**  
Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair

Thursday, February 1, 2024, 2:00 p.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, 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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

### **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, Relating to the Penal Code  
House Committee on Judiciary and Hawaiian Affairs  
Thursday, February 1, 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.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



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

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Vacant**  
Deputy Director  
Correctional Institutions

**Sanna Muñoz**  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1953  
RELATING TO PENAL CODE  
by  
Tommy Johnson



House Committee on Judiciary & Hawaiian Affairs  
Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair

Thursday, February 1, 2024; 2:00 p.m.  
State Capitol, Conference Room 325 & via Videoconference

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports the intent of House Bill (HB) 1953, 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.

# COMMUNITY ALLIANCE ON PRISONS

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

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



## COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

## COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Representative Cedric Asuega Gates, Chair

Representative Kirstin Kahaloa, Vice Chair

Thursday, February 1, 2024

Room 325

2:00 PM

## **STRONG SUPPORT FOR HB 1953 – PENAL CODE REVIEW**

Aloha Chair Tarnas, Vice Chair Takayama 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 3,868 Hawai`i individuals living behind bars<sup>1</sup> and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on January 22, 2024. We are always mindful that 874 - 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 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.

---

<sup>1</sup> DPS/DCR Weekly Population Report, January 22, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-22.pdf>

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' 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 2005 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.

Mahalo for introducing this bill, Chair Tarnas!