



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2024 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, January 30, 2024 at 9:45 a.m.
Conference Room 016 & Videoconference

By
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2332, 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).

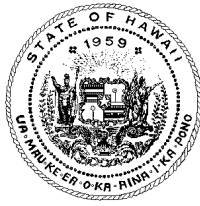


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Penal code reviews typically involve a comprehensive examination of the penal code and are historically chaired by a sitting judge. The work of a penal code review also requires modest funding for a reporter, the holding of meetings, and research/clerical 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



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**DEPARTMENT OF CORRECTIONS
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No. _____

TESTIMONY ON SENATE BILL 2332
RELATING TO PENAL CODE
by
Tommy Johnson

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, January 30, 2024; 9:45 a.m.
State Capitol, Conference Room 016 & via Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports the intent of Senate Bill (SB) 2332, which requires the Judicial Council to conduct a comprehensive review of the Hawaii 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 SB 2332 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 2332.

SB-2332

Submitted on: 1/27/2024 6:57:00 PM

Testimony for JDC on 1/30/2024 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
David Pullman	Individual	Support	Written Testimony Only

Comments:

I've been practicing criminal law for 16 years. When I moved to Hawaii from California, I felt like I had gone back in time to a more medieval period. The fact that simple possession of a tiny amount of drugs is a felony subject to five years in prison is shocking to me. Another law, Habitual Property Crime allows makes three petty crimes of trespass or shoplift in a ten year period a felony punishable by a minimum of one year in jail. This is a law that takes the minor crimes of the most marginal people and makes them subject to very stiff penalties that a judge has no discretion over. There are many other ways in which Hawaii is draconian. People stay on probation for decades in Hawaii because each time they have even a petty violation, the five year clock starts all over again. Hawaii has the longest periods of probation in the US and is also the only state wherein a parole board and not a judge decides the minimum sentence. All of this should be reviewed and changes made. Thank you!