



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 222, S.D. 1, MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Friday, February 10, 2023

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Julie Ebato, Administrator,
Crime Prevention and Justice Assistance Division,
at julie.y.ebato@hawaii.gov)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General supports this measure, provided that its passage does not replace or adversely impact the priorities indicated in our executive budget. This bill would provide funds to support the Career Criminal Program (CCP) provided by the Department of the Prosecuting Attorney, City and County of Honolulu.

The Department of the Prosecuting Attorney, City and County of Honolulu, is one of the four recipients of the State CCP funds. The State CCP funding is used to support the salaries and fringe benefits of program staff; however, the program funding has not been adjusted for inflation and the actual cost for program staff since 1995. Over time, less staffing is supported with State CCP funds.

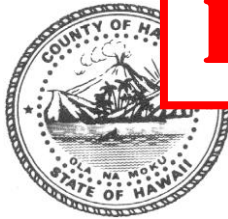
For the 28-year period covering fiscal years 1994-1995 to 2022-2023, State CCP funding has steadily declined and has not seen any significant increase. For fiscal year 1994-1995, the State CCP allocation was \$2,679,697 and the fiscal year 2022-2023 allocation is \$1,233,922.

The funding would help to fulfill the requirements of chapter 845, "Career Criminals," Hawaii Revised Statutes (HRS) that established a statewide career criminal prosecution program, "whose purpose shall be the investigation and prosecution of those persons identified as habitual or career criminals."

The CCP is administered by the Department of the Attorney General and is conceptually based upon the establishment of a highly skilled prosecutorial unit within each county prosecuting attorney's office. The criteria established by chapter 845, HRS, serves to identify the career criminals. This bill benefits the Department of the Attorney General by providing the Prosecuting Attorney with additional funding to pursue habitual and career criminals in the City and County of Honolulu. We respectfully ask the Committee to pass this bill. Thank you for the opportunity to provide testimony.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 222, SENATE DRAFT 1

A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY, CITY AND COUNTY OF HONOLULU

COMMITTEE ON WAYS AND MEANS
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair

Friday, February 10, 2023 at 10:30 a.m.
Via Videoconference
State Capitol Conference Room 211
415 South Beretania Street

Honorable Chair Dela Cruz, Vice-Chair Keith-Agaran and Members of the Committee on Ways and Means: the County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill 222, Senate Draft 1.

This measure makes an appropriation to the Department of the Prosecuting Attorney, City and County of Honolulu for the Career Criminal Prosecution Unit ("CCP").

The CCP program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small of number of multiple and repeat-felony offenders, commonly known as "career criminals." Funds directed to the CCP unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays. Our Office and the County of Hawai'i is also reliant upon these funds for our own CCP program.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (Hawaii Revised Statutes Chapter 845). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services. Having this funding is critical to enable, equip and retain staff with the necessary tools and skills needed to effectively deal with complex situations of CCP.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 222, Senate Draft 1. Thank you for the opportunity to testify on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

February 10, 2023

RE: S.B. 222, S.D. 1; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

Chair Dela Cruz, Vice-Chair Keith-Agaran and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **strong support** of S.B. 222, S.D. 1. This bill is part of the Department's 2023 legislative package, and we thank you for hearing it.

The purpose of S.B. 222, S.D. 1 is to provide additional funding needed to maintain the Department's current level of coverage for the Career Criminal Prosecution ("CCP") Unit. The amount needed to maintain current operations is **\$708,806**. This would account for the difference between actual costs, and costs covered by funding from the Department of the Attorney General and the City and County of Honolulu.

Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, of the Hawai'i Revised Statutes, the CCP program was created because a disproportionate amount of serious crimes are committed by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." To address this ongoing problem, the State created the Career Criminal Prosecution program, which it originally funded annually. In the past, the Department's CCP Unit has periodically been scaled back, when there was insufficient funding to maintain full staffing. Money spent on the CCP Unit is an efficient use of resources, as it provides citizens with swift and effective justice, reducing heavy caseloads and long court delays. With your support, the Department will continue to have the tools necessary to protect our public from career criminals.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 222, S.D. 1. Thank you for the opportunity to testify on this matter.