

ACT 156

H.B. NO. 962

A Bill for an Act Relating to a Sentencing Simulation Model.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that an accurate profile of existing convicted offenders and the development of tools to predict future criminal offender populations are essential to efficiently manage limited correctional and alternative resources. The legislature further finds that effective sentencing and controlling spiraling correctional costs can be best accomplished through the establishment of a sentencing simulation model (model).

The model will provide the legislature and the criminal justice community with necessary tools to forecast prison populations and ensure efficient allocation of the existing and proposed resources for all convicted defendants. These resources include not only prison beds, but also alternatives to incarceration (e.g., probation, drug courts, and other diversionary programs) and community-based programs.

Of equal importance, the model will permit an assessment of the impact of current and proposed sentencing policies on the existing correctional system and community resources. The model will also permit officials to use different combinations of criminal justice indicators, such as crime rates, convictions, prison populations, juvenile crime, and other objective data to project the impact of proposed policy changes on Hawaii's resources.

The legislature finds that models in other jurisdictions have demonstrated high accuracy rates for their projections, with variances below two per cent. The modeling capability will allow legislators and other criminal justice and corrections officials to propose more meaningful and effective criminal justice and correctional initiatives.

In conjunction with the corrections population management commission's responsibility to recommend cost-effective mechanisms, legislation, and policies to control overcrowding of correctional facilities, and the requirement that such recommendations include estimates of fiscal impact under section 353F-3, Hawaii Revised Statutes, the department of public safety is establishing a sentencing simulation model. The model includes:

- (1) A centralized computer-based criminal defendant population database;
- (2) A computerized network for maintaining the centralized database, including connectivity among the components of the State's criminal

justice and correctional systems to ensure that the centralized database's information is current and accurate; and

- (3) Computer modeling techniques that use information in the centralized database to project the impact of different sentencing policies and proposals on future criminal justice resources and corrections populations.

The sentencing simulation model project was initiated in October 2000 and is supported by two funding sources in its first year: a grant of \$122,130 from the Edward Byrne memorial state and local government formula grant program and \$71,018 in state general funds as the required state match. The first three months have been dedicated to establishing the project by creating the unit, hiring professional staff, and purchasing necessary equipment to support the model. January 2001 marks the onset of the sentencing simulation model project, with Dr. Pablo Martinez of the Texas Criminal Justice Policy Council advising project staff on the development and implementation of the model.

The governor's committee on crime has recommended that the Edward Byrne memorial state and local law enforcement assistance formula grant program award the department of public safety second year funding of \$116,865 to continue the sentencing simulation model project, provided that the State of Hawaii commits \$47,177 to the project.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$47,177 or so much thereof as may be necessary for fiscal year 2001-2002 to develop, implement, and maintain a sentencing simulation model.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2001.

(Approved May 25, 2001.)