

A Bill for an Act Relating to Criminal Justice.

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

SECTION 1. The legislature finds that the criminal justice research institute was established by Act 179, Session Laws of Hawaii 2019, within the office of the chief justice, to assess the administrative and technological feasibility of collecting, aggregating, and reporting on criminal pretrial data for purposes of establishing a centralized statewide criminal pretrial justice data reporting and collection system.

The legislature further finds that the criminal justice research institute staff conducted research to determine the feasibility of creating a statewide reporting system and identify the most effective and cost-efficient system for the State. Agencies across the country were interviewed and researched to identify options for creating a statewide reporting system. The criminal justice research institute examined statewide policies, operations, and data sources to map out necessary statewide data to create such a system. Based on the results of the criminal justice research institute's research, the legislature finds that the approach most suited to fulfill the intent of Act 179, Session Laws of Hawaii 2019, in an evidence-based and cost-efficient manner is to extract, link, and merge data from existing state databases into a centralized data warehouse. Instead of creating a new database and duplicating data entry or requesting manual data extractions from agencies, technological solutions will work with existing data sources and merge them into a centralized location.

In order to assess the feasibility of the technical work needed across different agency information technology systems, the criminal justice research institute selected information technology partners in fall 2022, to develop a technical plan to document the feasibility of extracting and linking criminal pretrial data and estimate the costs and timeline of establishing a statewide reporting system. The legislature finds it is essential that the criminal justice research institute continue its partnership with the department of public safety, judiciary, and Hawaii criminal justice data center to incorporate the three main statewide sources of criminal pretrial data. These three sources house the data and information necessary to calculate and report on criminal pretrial performance metrics in accordance with state law and evidence-based practices.

The legislature recognizes that the creation of the statewide reporting system is a substantial and complex undertaking requiring interagency and interbranch collaboration, strategic planning, and resources to accomplish successfully. Several key issues in establishing the system were identified, including the difficulty of combining data from different agencies' databases, many of which are the result of separate data and information technology systems; data primarily collected for operational purposes that must be converted for research; large amounts of data in text fields that may require a technological solution to convert it for quantitative analysis; and inconsistent data definitions across agencies, which prevents the efficient merging of data. Although technology can create a statewide reporting system, it will take time and parallel efforts to address these challenges and to improve data entry practices and the quality of the data. These efforts can occur simultaneously while the system is developed.

The legislature additionally finds that there are critical strengths within existing criminal pretrial data systems: each agency holds an electronic database containing a wealth of information critical to the State's criminal pretrial

system, and data sources have an identifier for cases or people that will assist in linking the diverse data sources, thereby creating a process to merge data into a centralized location. By leveraging technology to extract and link records, a significant amount of data collection for the statewide reporting system can be automated and streamlined. This type of system will produce more timely metrics and reporting and generate more comprehensive metrics.

The legislature further finds that it is technologically feasible to create a statewide reporting system. However, this will only be possible with additional resources, as well as comprehensive, long-term planning and ongoing collaboration with the agencies that house pretrial data.

Accordingly, the purpose of this Act is to:

- (1) Require that ongoing staff support for the centralized statewide criminal pretrial justice data reporting and collection system be conducted by the criminal justice research institute's staff and not be contracted to another entity;
- (2) Require the criminal justice research institute to protect any information and data that may be shared;
- (3) Require the criminal justice research institute to submit an annual report regarding the creation of the centralized statewide criminal pretrial justice data reporting and collection system to the legislature for two years; and
- (4) Appropriate funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law.

SECTION 2. Section 614-3, Hawaii Revised Statutes, is amended to read as follows:

“§614-3 Centralized statewide criminal pretrial justice data reporting and collection system. (a) The institute shall establish and maintain a centralized statewide criminal pretrial justice data reporting and collection system.

(b) In establishing the system, the institute shall take all necessary and appropriate steps, including:

- (1) Identifying all current databases utilized by various state agencies to track criminal pretrial information;
- (2) Determining the administrative and technological feasibility of aggregating and sharing current data; and
- (3) Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters, which may include information relating to:
 - (A) Arrests;
 - (B) Monetary and non-monetary conditions of release;
 - (C) Bail amounts;
 - (D) Risk assessments;
 - (E) Risk assessment scores;
 - (F) Bail report recommendations;
 - (G) Information gathered in risk assessments or bail reports;
 - (H) Bail hearings;
 - (I) Judicial decisions to release and conditions imposed on release;
 - (J) Judicial decisions to detain;
 - (K) Concordance between the bail report recommendation and decision, length of stay, and pretrial supervision; and
 - (L) The degree to which a defendant's assessed risk correlates with the defendant's actual risk, including an assessment of

whether the defendant appears in court, commits other crimes, or engages in violent conduct when released from custody.

(c) The institute shall develop and track performance indicators that accurately reflect the effectiveness of the State’s criminal pretrial system. Performance indicators may include but shall not be limited to:

- (1) The percentage of supervised defendants who make all scheduled court appearances;
- (2) The percentage of supervised defendants who are not charged with a new offense during the pretrial stage;
- (3) The ratio of defendants whose supervision level or detention status corresponds with each respective defendant’s assessed risk of pretrial misconduct;
- (4) The percentage of released defendants who:
 - (A) Do not have their release revoked for technical violations of the conditions of their release;
 - (B) Appear for all scheduled court appearances; and
 - (C) Are not charged with a new offense during pretrial supervision;
- (5) The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release;
- (6) The percentage of defendants who remain arrest-free during the pretrial release period; and
- (7) The percentage of defendants who remain on release at the conclusion of their pretrial period without a pending request for removal or revocation due to non-compliance.

(d) Ongoing staff support for the system shall be conducted by the institute’s staff and shall not be contracted to another entity.

(e) The institute shall protect any information and data that may be shared.

~~(d)~~ (f) The institute shall compile an annual report that reviews and analyzes data from the system to evaluate the effectiveness of the State’s criminal pretrial system and identify possible improvements. The institute shall submit the report, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.

(e) (g) As used in this section, unless the context otherwise requires, “system” means the centralized statewide criminal pretrial justice data reporting and collection system established by this section.”

SECTION 3. The criminal justice research institute shall submit an annual report regarding the creation of the centralized statewide criminal pretrial justice data reporting and collection system to the legislature no later than twenty days prior to the convening of the regular sessions of 2024 and 2025.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,298,740 or so much thereof as may be necessary for fiscal year 2023-2024 and \$954,080 or so much thereof as may be necessary for fiscal year 2024-2025 to establish a centralized statewide criminal pretrial justice data reporting and collection system; provided that the sums appropriated shall be allocated as follows:

- (1) The sum of \$1,150,000 for fiscal year 2023-2024 and \$800,000 for fiscal year 2024-2025 for information technology consultant services, software licensing, data storage, and any other necessary costs incurred by the criminal justice research institute in implementing this Act, excluding the costs set forth in paragraph (2);

- (2) The sum of \$80,184 for fiscal year 2023-2024 and \$83,064 for fiscal year 2024-2025 to establish one permanent full-time equivalent (1.0 FTE) project specialist position exempt from chapter 76, Hawaii Revised Statutes, within the criminal justice research institute; and
- (3) The sum of \$68,556 for fiscal year 2023-2024 and \$71,016 for fiscal year 2024-2025 to establish one temporary full-time equivalent (1.0 FTE) project specialist position exempt from chapter 76, Hawaii Revised Statutes, within the judiciary.

The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$74,124 or so much thereof as may be necessary for fiscal year 2023-2024 and \$76,788 or so much thereof as may be necessary for fiscal year 2024-2025 to establish a centralized statewide criminal pretrial justice data reporting and collection system; provided that the sums appropriated shall be allocated to establish one temporary full-time equivalent (1.0 FTE) information technology analyst position, or an equivalent position, within the department of public safety or its successor department of corrections and rehabilitation.

The sums appropriated shall be expended by the department of public safety or its successor department of corrections and rehabilitation for the purposes of this Act.

SECTION 6. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37 91¹ and 37 93¹, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,² will cause the state general fund expenditure ceiling for fiscal year 2023 2024¹ to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$1,372,864 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,140,231 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Notes

1. So in original .

2. Act 164.