

ACT 157

S.B. NO. 210

A Bill for an Act Relating to Criminal Justice Data Sharing.

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

SECTION 1. The legislature finds that the State lacks a common repository for tracking data related to the criminal justice system. All state and county criminal justice agencies plan, design, procure, implement, and operate their own separate information systems. As such, data sharing consists of one-off solutions, often requiring grants and outside contractors.

Accordingly, the purpose of this Act is to establish a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository to:

- (1) Facilitate collaborative decision-making, coordinated planning, and cooperative implementation among criminal justice agencies and relevant partners;
- (2) Support the fair, efficient, and effective operation of the criminal justice system;
- (3) Promote interoperability through the use of common elements;
- (4) Allow agencies to securely and efficiently share appropriate information; and
- (5) Support criminal justice and other purposes, including improved public safety and homeland security, while respecting the privacy of citizens.

SECTION 2. (a) There is established the criminal justice data sharing working group to address the complexities of statewide data sharing in the criminal justice system and make recommendations for a statewide criminal justice data repository. The working group shall:

- (1) Develop a formal memorandum of agreement to be executed by participating agencies to ensure the repository's continued operation and coordinated planning and development;

- (2) Identify operational and policy drivers that will influence development priorities for the repository in the short and long term;
- (3) Identify policy, legislative, and operational issues associated with the planning, development, and implementation of the repository; and
- (4) Formulate recommendations for changes in policy, legislation, and operations to facilitate data sharing.
- (b) The working group shall comprise of the following members:
 - (1) The attorney general, or the attorney general's designee, who shall serve as chairperson of the working group;
 - (2) The director of public safety, if applicable, or the director's designee;
 - (3) The director of corrections and rehabilitation, if applicable, or the director's designee;
 - (4) The director of law enforcement, if applicable, or the director's designee;
 - (5) The administrative director of the courts, or the administrator's designee;
 - (6) The public defender, or the public defender's designee;
 - (7) The prosecuting attorney for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the prosecuting attorney's designee;
 - (8) The chief of police for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the chief's designee;
 - (9) The chair of the house of representatives committee on corrections, military, and veterans, or the chair's designee; and
 - (10) The chair of the senate committee on public safety and intergovernmental and military affairs, or the chair's designee.
- (c) The working group shall select a vice chairperson from among its members.
- (d) The working group may:
 - (1) Hold informational briefings and listening sessions to gather input from the public on issues related to criminal justice data sharing within the State; and
 - (2) Request assistance and feedback from subject matter experts, as needed, to enable the working group to carry out its work.
- (e) The working group shall provide to the legislature:
 - (1) Annual updates, including recommendations for any legislative or administrative action the working group deems appropriate to address data sharing concerns or to enable the working group to carry out its work; and
 - (2) A final report, including recommendations for further actions to be implemented over the following two years, no later than twenty days prior to the convening of the regular session of 2026, for a repository start date of July 1, 2028.
- (f) The legislative reference bureau, upon request of the working group's chairperson by no later than October 1st of each year, may draft proposed legislation for the working group.
- (g) The working group shall be officially convened at the pleasure of the chairperson and vice chairperson, but no later than August 1, 2023.
- (h) The data to be shared between departments may include:
 - (1) For each criminal case:
 - (A) Pre-charging information;
 - (B) Case number;
 - (C) Date the alleged offense occurred;

- (D) County in which the offense is alleged to have occurred;
- (E) Date the defendant was taken into physical custody by a law enforcement agency or was issued a notice to appear on a criminal charge, if the date is different than the date on which the offense is alleged to have occurred;
- (F) Date that the criminal prosecution of a defendant was formally initiated, either by the state attorney filing an information with the clerk of the court, or an indictment issued by a grand jury;
- (G) Arraignment date;
- (H) Attorney assignment date;
- (I) Attorney withdrawal date;
- (J) Case status; and
- (K) Disposition date;
- (2) For each defendant:
 - (A) Name;
 - (B) Date of birth;
 - (C) Age;
 - (D) Race, ethnicity, and national origin;
 - (E) Gender;
 - (F) Address of primary residence;
 - (G) Primary language;
 - (H) Citizenship;
 - (I) Immigration status, if applicable;
 - (J) Whether the defendant has been found by a court to be indigent;
 - (K) Information related to any formal charges filed against the defendant, including:
 - (i) Charge description;
 - (ii) Charge modifier, if applicable; and
 - (iii) Drug type for each drug charge, if known;
 - (L) Qualifications for any flag designation, including flags for domestic violence, gang affiliation, sexual offenses, habitual offenses, or pretrial release violations;
 - (M) Information related to bail or bond and pretrial release determinations, including:
 - (i) All monetary and nonmonetary conditions of release;
 - (ii) Any modification of bail or bond conditions made by a court having jurisdiction to try the defendant or by the circuit court, including modifications to any monetary or nonmonetary conditions of release;
 - (iii) Cash bail or bond payment, including whether the defendant utilized a bond agent to post a surety bond; and
 - (iv) Any bail or bond revocation due to a new offense, failure to appear, or violation of the terms of bail or bond, if applicable;
 - (N) Information related to sentencing, including:
 - (i) Date that a court entered a sentence against a defendant;
 - (ii) Charge sentenced to, including charge sequence number, charge description, statute, type, and charge class severity;
 - (iii) Sentence type and length imposed by the court, including the total duration of imprisonment in a court detention facility or state correctional institution or facility, and

- conditions for probation or community control supervision; and
- (iv) Amount of time that the defendant has served in custody that is related to the reported criminal case and will be credited at the time of the case's disposition to reduce the actual length of time the defendant will serve on the term of imprisonment that the court orders at disposition; and
- (O) Any restitution ordered, including the amount collected by the court and the amount paid to the victim;
- (3) For each victim, the relationship to the offender, if any;
- (4) For each inmate:
 - (A) Date and reason the defendant was processed into the county detention facility subsequent to an arrest for a new violation of law, probation, or community control;
 - (B) Qualifications for any flag designation, including flags for domestic violence, gang affiliation, sexual offenses, habitual offenses, or pretrial release violations;
 - (C) Identification number assigned by the department;
 - (D) Number of children;
 - (E) Education level, including any vocational training;
 - (F) Date the inmate was admitted to the custody of the department;
 - (G) Current institution placement and the security level assigned to the institution;
 - (H) Custody level assignment;
 - (I) Whether the reason for admission to the department was for a new conviction or a violation of probation, community control, or parole. For an admission of probation, community control, or parole violation, whether the violation was technical or based on a new violation of law;
 - (J) Specific statutory citation for which the inmate was committed to the department, including an inmate convicted of drug trafficking;
 - (K) Length of sentence or concurrent or consecutive sentences served;
 - (L) Tentative release date;
 - (M) Any prior incarceration within the State;
 - (N) Any disciplinary violation and action; and
 - (O) Any participation in rehabilitative or educational programs while in the custody of the department; and
- (5) For persons supervised by the department for probation or community control:
 - (A) Name;
 - (B) Date of birth;
 - (C) Race, ethnicity, and national origin;
 - (D) Gender;
 - (E) Department-assigned case number;
 - (F) Length of probation or community control sentence imposed and amount of time that has been served on the sentence;
 - (G) Projected termination date for probation or community control; and
 - (H) Any revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or a new violation of law.

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- (i) The working group members and their respective departments and agencies shall protect the information and data that may be shared as part of the working group.
- (j) The working group shall cease to exist on July 1, 2029.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 29, 2023.)