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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that long prison  
2 sentences and an increase in offender recidivism rates have  
3 contributed to a spike in the United States' prison population  
4 despite the decrease of crime in the past twenty years.

5           The increase in prisoners has led to inflated government  
6 spending on corrections, rising operating costs of correctional  
7 facilities, and reduced funding for other essential government  
8 services.

9           The legislature finds that a collaborative approach by  
10 stakeholders using successful, research-based solutions would  
11 improve Hawaii's correctional system and ensure positive  
12 outcomes for prisoners and the community.

13           The purpose of this Act is to establish a temporary  
14 commission on criminal justice and sentencing reform to develop  
15 a statewide plan of sentencing and corrections policies that  
16 would reduce the State's prison population by twenty-five per  
17 cent by year 2025, reduce spending on corrections, and reinvest



1 the savings gained in strategies to increase public safety and  
2 reduce recidivism.

3 SECTION 2. There is established a temporary commission to  
4 be known as the commission on criminal justice and sentencing  
5 reform to develop a statewide plan of sentencing and corrections  
6 policies that would reduce the State's prison population by  
7 twenty-five per cent by year 2025, reduce spending on  
8 corrections, and reinvest the savings gained in strategies to  
9 increase public safety and reduce recidivism. The commission  
10 shall be placed within the office of the governor for  
11 administrative purposes and shall cease to exist on June 30,  
12 2018.

13 SECTION 3. The commission shall consist of thirty members  
14 as follows:

- 15 (1) The governor or the governor's designee;
- 16 (2) The chair of the senate committee on judiciary and  
17 labor or the chair's designee;
- 18 (3) The chair of the house committee on judiciary or the  
19 chair's designee;
- 20 (4) The director of health or the director's designee;



- 1           (5) The director of human services or the director's  
2           designee;
- 3           (6) The director of public safety or the director's  
4           designee;
- 5           (7) The prosecuting attorney from the county with a  
6           population of seven hundred fifty thousand or greater  
7           or the prosecuting attorney's designee;
- 8           (8) The state public defender from the county with a  
9           population of seven hundred fifty thousand or greater  
10          or the state public defender's designee;
- 11          (9) The attorney general or the attorney general's  
12          designee;
- 13          (10) The chief justice and another member of the judiciary  
14          or the chief justice's designees;
- 15          (11) The executive director of the Hawaii civil rights  
16          commission or the executive director's designee;
- 17          (12) The executive director of the American Civil Liberties  
18          Union of Hawaii or the executive director's designee;
- 19          (13) One social worker who assists in the rehabilitation  
20          and attainment of employment skills for prisoners who  
21          shall be appointed by the governor;



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- 1           (14) The executive director of the office of youth services  
2                    or the executive director's designee;
- 3           (15) Two experts in youth gang violence and drug abuse who  
4                    serve as directors for nonprofit organizations  
5                    specifically focused on youth gang reduction and  
6                    mentoring or support programs for "at-risk" youth, of  
7                    which one member shall be appointed from a list of  
8                    nominees submitted by the president of the senate, and  
9                    one member shall be appointed from a list of nominees  
10                  submitted by the speaker of the house of  
11                  representatives;
- 12          (16) A university or college sociology professor whose  
13                  field of expertise is in recidivism who shall be  
14                  appointed by the governor;
- 15          (17) Two prisoners' rights advocates, of which one member  
16                  shall be appointed from a list of nominees submitted  
17                  by the president of the senate, and one member shall  
18                  be appointed from a list of nominees submitted by the  
19                  speaker of the house of representatives;
- 20          (18) A top business executive who shall be appointed by the  
21                  governor;



- 1           (19) The chairperson of the board of directors of the  
2                   Hawaii chapter of the American Foundation for Suicide  
3                   Prevention or the chairperson's designee;
- 4           (20) The dean of the John A. Burns School of Medicine at  
5                   the University of Hawaii or the dean's designee;
- 6           (21) The executive director of the Mental Health America of  
7                   Hawaii or the executive director's designee;
- 8           (22) Two members who are family members of prisoners, of  
9                   which one member shall be appointed from a list of  
10                  nominees submitted by the president of the senate, and  
11                  one member shall be appointed from a list of nominees  
12                  submitted by the speaker of the house of  
13                  representatives;
- 14          (23) The executive director of the Sex Abuse Treatment  
15                  Center Hawaii or the executive director's designee;
- 16          (24) The executive director of the Hawaii State Coalition  
17                  against Domestic Violence or the executive director's  
18                  designee;
- 19          (25) The president of the National Association for the  
20                  Advancement of Colored People Hawaii Chapter or the  
21                  president's designee; and



1           (26) The president of Mothers Against Drunk Driving Hawaii  
2                   or the president's designee.

3           All members shall work cooperatively to find strategies to  
4 prevent crimes and reduce recidivism. The members shall not  
5 receive compensation for their services but shall be reimbursed  
6 for necessary expenses, including travel expenses, incurred in  
7 the performance of their duties under this Act.

8           No member shall be made subject to chapter 84, Hawaii  
9 Revised Statutes, solely because of that member's participation  
10 as a member of the commission.

11           SECTION 4. The commission shall meet quarterly and may  
12 hold public meetings as it deems necessary; provided that before  
13 holding a public meeting the commission shall provide  
14 publication of notice pursuant to section 1-28.5, Hawaii Revised  
15 Statutes. At the initial meeting of the commission, to occur no  
16 later than thirty days after the enactment of this Act, its  
17 members shall elect a chair and vice chair and any other  
18 necessary officers from among the members. A majority of the  
19 commission members shall constitute a quorum for its necessary  
20 duties. The chair, at the request of a majority of members, may  
21 hold special meetings.



1           SECTION 5. (a) The commission shall focus on education,  
2 health, strong families and support groups, and poverty as  
3 cornerstones in its development of a statewide plan of  
4 sentencing and corrections policies pursuant to this Act.

5           (b) To fulfill the cornerstone on education, the  
6 commission shall address, at minimum, the following:

7           (1) Ensuring resources are targeted at providing students  
8 a quality education from pre-kindergarten to college;

9           (2) Ensuring reading skills are taught to children as well  
10 as prisoners; and

11           (3) Evaluating the use of high-quality, state-funded  
12 developmental daycare centers.

13           (c) To fulfill the cornerstone on health, the commission  
14 shall address, at minimum, the following:

15           (1) Using developmental screening as a test to see if a  
16 student or prisoner is learning basic skills and  
17 providing them self-sufficiency assistance;

18           (2) Ensuring the availability of prenatal care to treat  
19 and prevent potential health problems throughout the  
20 course of a pregnancy while promoting healthy  
21 lifestyles that benefit both mother and child; and



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1           (3) Ensuring the availability of mental health and illegal  
2           drug use consultation and assistance to the community  
3           and prisoners.

4           (d) To fulfill the cornerstone on strong families and  
5 support groups, the commission shall address, at minimum, the  
6 following:

7           (1) Evaluating and reforming housing requirements for  
8           individuals convicted of certain types of crimes, such  
9           as nonviolent or minor offenses;

10          (2) Ensuring proper assistance is provided to children,  
11          adults, and families so they may live healthy and  
12          productive lives, and realize their full potential as  
13          contributing members of their communities;

14          (3) Ensuring prisoners are offered participation in  
15          support groups and provided individualized plans for  
16          self-sufficiency and reintegration into society; and

17          (4) Ensuring parenting programs and classes are available  
18          to families, especially public housing families in the  
19          lower-income bracket.

20          (e) To fulfill the cornerstone on poverty, the commission  
21 shall address, at minimum, the following:





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- 1           (1) Ensuring prisoners undergo parental job training and  
2           are taught skills or trades that may be used upon  
3           their release from prison;
- 4           (2) Ensuring affordable rental housing is available for  
5           prisoners and individuals with low income;
- 6           (3) Ensuring community members and prisoners learn about  
7           nutrition and the Supplemental Nutrition Assistance  
8           Program;
- 9           (4) Ensuring case management services are provided for  
10          individuals receiving public assistance;
- 11          (5) Ensuring prisoners with developmental disabilities are  
12          provided services and supports appropriate to their  
13          needs so they may successfully reintegrate into  
14          society; and
- 15          (6) Evaluating the use of employment-related daycare  
16          centers that will provide parents safe care for their  
17          children and provide safe care to the elderly.

18           SECTION 6. (a) The commission shall review the State's  
19          sentencing policies and probation system to reduce the State's  
20          prison population by twenty-five per cent by year 2025, reduce  
21          spending on corrections, and reinvest the savings gained in

1 strategies that will increase public safety and reduce  
2 recidivism.

3 (b) In reviewing the State's sentencing policies, the  
4 commission shall address, at minimum, the following:

5 (1) Evaluating whether to abolish mandatory minimum  
6 sentences and the repeat offender three-strikes law;

7 (2) Evaluating statutes that address habitual offenders,  
8 and diversion treatments such as specialty courts with  
9 incentives, including drug treatment court and  
10 Hawaii's Opportunity Probation with Enforcement (HOPE)  
11 program; and

12 (3) Evaluating the raising of monetary thresholds for  
13 felony theft.

14 (c) In reviewing the State's probation system, the  
15 commission shall include, but not be limited to, an evaluation  
16 of the State's current practices relating to incarceration,  
17 crime prevention, and education with a focus on reducing  
18 spending on corrections and reinvesting the savings gained in  
19 strategies that will increase public safety and reduce  
20 recidivism.



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1 SECTION 7. The commission shall submit a report of its  
 2 findings and recommendations, including any proposed  
 3 legislation, to the legislature no later than twenty days prior  
 4 to the convening of the regular session of 2018.

5 SECTION 8. It is the intent of this Act not to jeopardize  
 6 the receipt of any federal aid. If any provision of this Act,  
 7 or the application thereof to any person or circumstance, is  
 8 found to be in conflict with federal requirements that are a  
 9 prescribed condition for the allocation of federal funds to the  
 10 State, the provision shall be deemed void; provided that the  
 11 voided provision shall not affect other provisions or  
 12 applications of the Act that can be given effect without the  
 13 voided provision or application, and to this end the provisions  
 14 of this Act are severable.

15 SECTION 9. This Act shall take effect upon its approval.  
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**Report Title:**  
Public Safety

**Description:**

Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office. Requires the Commission to develop a statewide framework of sentencing and corrections policies to further reduce the State's incarcerated population by 25% by year 2025. The Commission shall also develop a plan to reduce spending on corrections and reinvest in strategies to increase public safety and reduce recidivism.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

