RELATING TO PUBLIC SAFETY.

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

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

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

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

The purpose of this Act is to establish a temporary commission on criminal justice and sentencing reform to:

(1) Develop a statewide plan of sentencing and corrections policies that would reduce the State's prison population, reduce spending on corrections, and
reinvest the savings gained in strategies to increase
public safety and reduce recidivism;

(2) Review and recommend relocation or construction of
prison or correctional facilities to comply with
federal guidelines on the health and welfare of the
inmate population; and

(3) Modernize prison or correctional facilities to enhance
effective rehabilitation programs.

SECTION 2. There is established a temporary commission to
be known as the commission on criminal justice and sentencing
reform to:

(1) Develop a statewide plan of sentencing and corrections
policies that would reduce the State's prison
population, reduce spending on corrections, and
reinvest the savings gained in strategies to increase
public safety and reduce recidivism;

(2) Review and recommend relocation or construction of
prison or correctional facilities to comply with
federal guidelines on the health and welfare of the
inmate population; and
(3) Modernize prison or correctional facilities to enhance effective rehabilitation programs.

The commission shall be placed within the office of the governor for administrative purposes and shall cease to exist on June 30, 2021.

SECTION 3. The commission shall consist of the following members:

(1) The chief justice, or the chief justice's designee, who shall serve as the chairperson of the commission;

(2) The administrator of the judiciary's adult client services branch, or the administrator's designee;

(3) The chairperson of the Hawaii paroling authority, or the chairperson's designee;

(4) The director of public safety, or the director's designee;

(5) The chairperson of the house committee on public safety, veterans, and military affairs, or the chairperson's designee;

(6) The chairperson of the senate committee on public safety, intergovernmental, and military affairs, or the chairperson's designee;
(7) The prosecuting attorney from a county with a population of seven hundred fifty thousand or greater, or the prosecuting attorney's designee;

(8) The state public defender, or the state public defender's designee;

(9) A social worker who assists in the rehabilitation and attainment of employment skills for inmates who shall be appointed by the director of public safety;

(10) The chairperson of the board of trustees of the Office of Hawaiian Affairs, or the chairperson's designee;

(11) A representative from the Native Hawaiian Legal Corporation;

(12) A University of Hawaii faculty member with expertise in criminology or penology appointed by the president of the University of Hawaii;

(13) A member of the public who has knowledge and expertise with the Hawaii correctional system appointed by the director of public safety;

(14) A male former prison inmate appointed by the director of public safety;
(15) A female former prison inmate appointed by the
director of public safety; and

(16) The chairperson of the Holomua Puuhonua Committee, or
the chairperson's designee.

All members shall work cooperatively to find strategies to
improve public safety and reduce recidivism. The members shall
not receive compensation for their services.

No member of the commission shall be made subject to the
financial disclosure requirements of sections 84-13 and 84-17,
Hawaii Revised Statutes, solely because of that member's
participation as a member of the commission.

The commission shall be exempt from chapter 92, Hawaii
Revised Statutes.

SECTION 4. The commission may meet quarterly and may hold
public meetings as it deems necessary. The initial meeting of
the commission shall occur no later than sixty days after the
enactment of this Act.

SECTION 5. In developing the statewide plan of sentencing
and corrections policies pursuant to this Act, the commission
shall focus on increasing public safety by reducing recidivism;
ensuring appropriate housing, training, and services are
provided to former and current inmates; and reviewing sentencing, probation, and parole policies with the aim of reducing the incarcerated population, enhancing public safety, and reducing corrections spending.

SECTION 6. The commission shall address, at minimum, the following to ensure appropriate housing, training, and services are provided to former and current inmates:

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

(2) Ensuring inmates are offered participation in support groups and provided individualized plans for self-sufficiency and reintegration into society;

(3) Ensuring inmates undergo parenting and job training and are taught skills or trades that may be used upon their release from prison;

(4) Ensuring affordable rental housing is available for inmates upon release from prison and for other individuals with low income;
(5) Ensuring community members and inmates learn about nutrition and the Supplemental Nutrition Assistance Program; and

(6) Ensuring inmates with developmental disabilities are provided services and supports appropriate to their needs so they may successfully reintegrate into society.

SECTION 7. (a) The commission shall review the State's sentencing policies and probation system to reduce the State's incarcerated population, reduce spending on corrections, and reinvest the savings gained into strategies that will increase public safety and reduce recidivism.

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

(1) Evaluating whether to abolish mandatory minimum sentences; and

(2) Evaluating statutes that address habitual offenders and diversion treatments such as specialty courts with incentives, including drug treatment court and Hawaii's opportunity probation with enforcement (HOPE) program.
(c) In reviewing the State's probation and parole system, the commission's review shall include, but not be limited to, an evaluation of the State's current practices relating to incarceration, crime prevention, and rehabilitation with a focus on reducing spending on corrections and reinvesting the savings gained into strategies that will increase public safety and reduce recidivism. The commission shall review statutes and corrections policies affecting probation and parole violators. The commission's priorities shall be to ensure public safety and safer communities statewide.

SECTION 8. The judiciary and the department of public safety shall provide administrative support to the commission. The commission, with the assistance of the legislative reference bureau, shall report findings and recommendations based on its activities, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2021.

Upon request of the commission, the legislative reference bureau shall assist in the preparation of the report; provided that, before December 1, 2020, the commission shall submit a draft to the legislative reference bureau, including any
information and materials deemed necessary by the bureau, for
the preparation of the report.

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

SECTION 10. This Act shall take effect on July 1, 2019.

INTRODUCED BY:
Report Title:
Public Safety; Criminal Justice; Sentencing Reform

Description:
Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office to develop sentencing and corrections policies to reduce the State's incarcerated population, reduce correctional spending, 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.