
A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. The legislature finds that, in response to
2 public dissatisfaction over what were perceived as ineffective
3 crime reduction policies, twenty-five states and Congress passed
4 so-called "three strikes" laws during the 1990's in order to
5 deter criminal offenders by mandating significant sentence
6 enhancements for those with prior convictions. While few large-
7 scale evaluations of the impact of these laws on crime rates
8 have been conducted, a University of Alabama study examined the
9 issue by using a multiple time series design and Uniform Crime
10 Reports data from one hundred eighty-eight cities with
11 populations of one hundred thousand or more for the two decades
12 from 1980 to 2000. The study found, first, that three strikes
13 laws are positively associated with homicide rates in cities in
14 three strikes states and, second, that cities in three strikes
15 states witnessed no significant reduction in crime rates.

16 The legislature also finds that, according to the Uniform
17 Crime Reports, "states with neither a three strikes nor a truth-
18 in-sentencing law had the lowest rates of index crimes, whereas



1 index crime rates were highest in states with both types of get-
2 tough laws." An October 2005 study by the California
3 Legislative Analyst found differences between counties in the
4 application of the "three strikes" law and that the state's
5 crime rate was declining independently of "three strikes."
6 Research by Frank Zimring of the University of California,
7 Berkley, and colleagues suggests that "third strikers" as a
8 group commit a relatively small proportion, about eleven per
9 cent, of the state's total number of felonies, and that some
10 criminal justice research suggests that, for a variety of
11 reasons, the threat of harsh sentences does not have a
12 significant deterrent effect on criminal activity.

13 The legislature also finds that roughly one-third of "third
14 strikers" are convicted for crimes against persons. The most
15 common offenses for which "third strikers" are currently serving
16 time in prison include robbery, burglary, assault, and
17 possession of drugs, most of which are non-violent offenses.
18 Approximately thirty-seven per cent of "third strikers" were
19 convicted for crimes against persons, such as robbery and
20 assault. California's prison system is in crisis, with the
21 prison health care system failing, and is about to be taken over
22 by the federal government. This is largely due to the aging



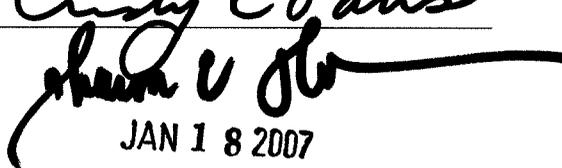
1 prison population of "third strikers" who need expensive medical
2 care. Hawaii's "three strikes" law offers no chance for
3 redemption and can sweep up nonviolent individuals, just as
4 California is experiencing.

5 The purpose of this Act is to avert the impending "three
6 strikes" crisis that California is currently experiencing, to
7 return decision-making power to the judiciary, and to eliminate
8 cookie-cutter justice that ignores the unique circumstances of
9 each crime, the record of the defendant, and the wisdom of
10 judicial experience to assess the best sanctions to fit the
11 circumstances.

12 SECTION 2. Act 81, Session Laws of Hawaii 2006, is
13 repealed.

14 SECTION 3. This Act shall take effect upon its approval.
15

INTRODUCED BY:



JAN 18 2007



Report Title:

Sentencing; Habitual Violent Felons

Description:

Repeals mandatory sentence of 30 years to life for habitual violent felons.

