

JAN 23 2009

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 the over-
2 representation of native Hawaiians in the criminal justice
3 system is an issue that has not been adequately addressed.

4 The discussion of native Hawaiian social well-being has
5 highlighted some of that community's greatest strengths: the
6 inclusive nature of 'ohana, the cohesive power of communities,
7 and the growing sense of cultural identity. However, the
8 multiple stressors and social imbalances within the native
9 Hawaiian community have led to troubling outcomes, including
10 antisocial, self-destructive, and criminal behavior, that are
11 amplified by an enforcement and justice system in which
12 inequality is an ongoing reality.

13 The rates of arrest and incarceration for native Hawaiians
14 are among the highest of all major ethnic groups in the State.
15 The disproportionately high number of young native Hawaiian men
16 and women in the State's correctional system has profound
17 implications for native Hawaiian education. Not only are



1 educational and other opportunities severely limited for
2 incarcerated adults, but native Hawaiian children of inmates are
3 also at increased risk of growing up without a parent to support
4 them through critical stages of growth and development.

5 Moreover, deviant activities which lead to arrests and
6 incarceration, such as crime and drug use, directly influence
7 the safety and stability of communities, which may further
8 hinder the educational prospects for native Hawaiian children
9 and adults.

10 The purpose of this Act is to require legislation that
11 proposes a change in the law which creates a public offense,
12 significantly changes an existing public offense or the penalty
13 for an existing offense, or changes existing sentencing, parole,
14 or probation procedures, to be accompanied by a correctional
15 impact statement.

16 SECTION 2. Chapter 353F, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§353F- Correctional impact statement. (a) Any
20 legislation introduced in the legislature that proposes a change
21 in the law which:

22 (1) Creates a public offense;



(2) Significantly changes an existing public offense or the penalty for an existing offense; or

(3) Changes existing sentencing, parole, or probation procedures,

shall be accompanied by a correctional impact statement.

(b) The correctional impact statement shall include information concerning the:

(1) Estimated number of criminal cases per year that may be impacted by the legislation;

(2) Fiscal impact of confining persons pursuant to the legislation;

(3) Projected impact of the legislation on native Hawaiians;

(4) Projected impact of the legislation on at-risk communities;

(5) Impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, including the likelihood that the legislation may create a need for additional facility capacity; and

(6) Relevant factors as indicated by the legislation.



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1 The statement shall rely on available factual data and, when
2 appropriate, provide a reasonable estimate of both the immediate
3 effect and the long-range impact upon correctional facility
4 capacity.

5 (c) The corrections population management commission, in
6 concert with the department of public safety and the attorney
7 general, shall use the sentencing simulation model, created
8 pursuant to Act 267, Session Laws of Hawaii 2000, to assess the
9 impacts of the legislation on the correctional system."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12 INTRODUCED BY:

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Report Title:

Public Safety; Correctional Impact Statement

Description:

Requires a correctional impact statement be attached to any bill that proposes a change in the law that creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures.

