

STAND. COM. REP. NO.

120

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 560
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Public Safety and Military Affairs, to which was referred S.B. No. 560 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

beg leave to report as follows:

The purpose of this measure is to require the Office of Hawaiian Affairs to conduct a study on the disparate treatment of Native Hawaiians and other ethnic groups in the State's criminal justice system.

Testimony in support of this measure was submitted by one state agency, six organizations, and two public citizens. One public citizen submitted comments. Copies of written testimony are available for review on the Legislature's website.

Your Committees find that the over-representation of Native Hawaiians in the criminal justice system is an issue that has not been adequately addressed.

Your Committees further find that any racial or ethnic disparity within the State's criminal justice system fosters public mistrust of the system and impedes the State's ability to promote public safety. A commitment to a fair criminal justice system and functioning democratic society requires addressing these existing racial and ethnic disparities.



According to recent studies, Native Hawaiians account for twenty per cent of the total population of the State but forty per cent of State's the prison population. Native Hawaiians average twenty-three per cent of all arrests in the State, and are twice as likely to be incarcerated as any other group. In 1999, it was reported that more than fifty per cent of the female population and more than sixty per cent of the male population, at the Hawaii Youth Correctional Facility were Native Hawaiian.

The high rates of incarceration have profound implications for Native Hawaiians. For example, almost sixty per cent of children placed in child protective services are Native Hawaiian. Of those children, eight per cent to thirty-three per cent have incarcerated parents. Studies suggest that adult children of incarcerated mothers are two and one-half times more likely to be incarcerated than adult children of incarcerated fathers. Ninety-five per cent of the one hundred twenty female Hawaii inmates incarcerated at a single mainland facility are mothers.

Incarceration has many long-term effects including negative impacts on health, family instability, diminished lifetime wages, social stigma, and educational limitations. These negative impacts result in higher rates of illness and death.

Your Committees have amended this measure by:

- (1) Establishing a task force to conduct the study on the disparate treatment of Native Hawaiians and other ethnic groups in the State's criminal justice system;
- (2) Including a provision directing the Department of Public Safety, the Judiciary, the Hawaii Criminal Justice Data Center, and other state agencies as requested to cooperate with the directive of the task force;
- (3) Deleting the appropriation, as the Office of Hawaiian Affairs informed your Committees that no appropriation was necessary to complete the report, and accordingly, changing the effective date of the measure to upon approval; and
- (4) Making technical, nonsubstantive changes for clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 560, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 560, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Public Safety and
Military Affairs,



WILL ESPERO, Chair

CLAYTON HEE, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 560</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WTL/PSM, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/13/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert	✓			
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.				✓
HEMMINGS, Fred				✓
TOTAL	4	0	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px; text-align: center;">Jin</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

***Only one measure per Record of Votes**

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 560	Committee Referral: WTL/PSM, WAM	Date: 2-13-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani				X
GABBARD, Mike	X			
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.				X
HEMMINGS, Fred				X
TOTAL	4			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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