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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A WORKING  
GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY  
AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

1           WHEREAS, the prison population in the United States has  
2 grown tremendously over the past four decades despite the  
3 tapering off of crime over the past twenty years, partly due to  
4 the imposition of lengthy sentences; and

5  
6           WHEREAS, the increasing number of individuals imprisoned  
7 has led to rising operating costs, community reliance on  
8 incarceration, and growing numbers of inmates prematurely  
9 released from prison each year; and

10  
11           WHEREAS, offender recidivism rates continue to be an issue  
12 because many inmates who are released from incarceration are not  
13 prepared to lead law-abiding lives and reintegrate into society;  
14 and

15  
16           WHEREAS, the number of inmates prematurely released has led  
17 to a growing sentiment that there is interdependency among  
18 participants in the judicial process that needs to be recognized  
19 in working with each other and in the decision-making processes  
20 regarding offenders; and

21  
22           WHEREAS, smarter sentencing uses research and science to  
23 enhance the decision making ability of criminal justice  
24 stakeholders in the selection and application of fair, just,  
25 proportionate, and efficient sanctioning goals; and

26  
27           WHEREAS, at each decision point during the process of  
28 charging an individual with an offense, negotiating and  
29 recommending a plea deal, and determining the ultimate sentence,  
30 there is an opportunity to use research-based smarter  
31 sentencing; now, therefore,

32



# H.C.R. NO. 146

1 BE IT RESOLVED by the House of Representatives of the  
2 Twenty-eighth Legislature of the State of Hawaii, Regular  
3 Session of 2015, the Senate concurring, that the Department of  
4 Public Safety is requested to convene a working group to examine  
5 the concept of smarter sentencing to improve the quality and  
6 reliability of the State's criminal justice sentencing policies  
7 and practices; and

8  
9 BE IT FURTHER RESOLVED that the purpose of the working  
10 group is to research:

- 11
- 12 (1) The number of cases over the last ten years in which  
13 smarter sentencing principles were applied to the  
14 negotiation and recommendation of a sentence;
  - 15
  - 16 (2) The number of cases over the past ten years in which  
17 principles of smarter sentencing were applicable; and
  - 18
  - 19 (3) Possibilities of designing, implementing, and  
20 streamlining a process involving smarter sentencing;  
21 and
  - 22

23 BE IT FURTHER RESOLVED that the Department of Public Safety  
24 is requested to include in the working group:

- 25
- 26 (1) The Chair of the Senate and House of Representatives  
27 committees with primary jurisdiction over the  
28 Judiciary;
  - 29
  - 30 (2) The Chair of the Senate and House of Representatives  
31 committees with primary jurisdiction over public  
32 safety;
  - 33
  - 34 (3) The county prosecutor of each of the counties of  
35 Hawaii, Kauai, and Maui, and the City and County of  
36 Honolulu;
  - 37
  - 38 (4) One public defender to represent the Office of the  
39 Public Defender located in each of the counties of  
40 Hawaii, Kauai, and Maui, and the City and County of  
41 Honolulu;
  - 42



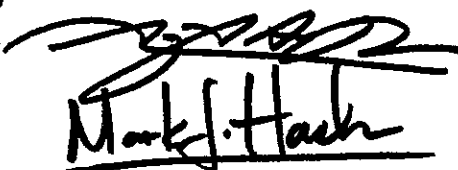
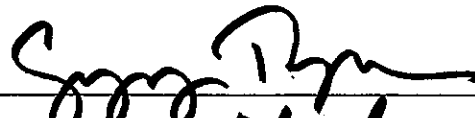
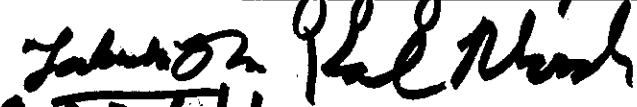
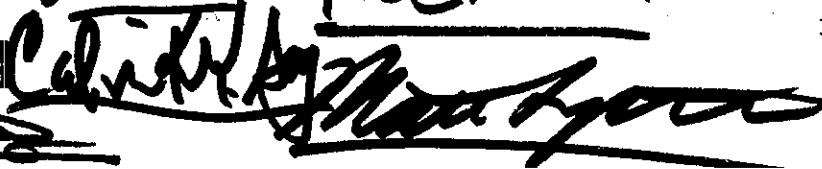
- 1 (5) The Attorney General, or the Attorney General's
- 2 designee;
- 3
- 4 (6) Two members appointed by the Chief Justice of the
- 5 Hawaii Supreme Court;
- 6
- 7 (7) One representative of the American Civil Liberties
- 8 Union of Hawaii;
- 9
- 10 (8) One representative of the Hawaii Civil Rights
- 11 Commission; and
- 12
- 13 (9) Four members from the community, to be appointed by
- 14 the Governor; and
- 15

16 BE IT FURTHER RESOLVED that the working group is requested  
 17 to select a chairperson from among its members and meet at least  
 18 five times prior to December 31, 2015; and

19  
 20 BE IT FURTHER RESOLVED that the working group is requested  
 21 to submit a report of its findings and recommendations,  
 22 including any proposed legislation, to the Legislature no later  
 23 than twenty days prior to the convening of the Regular Session  
 24 of 2016; and

25  
 26 BE IT FURTHER RESOLVED that the working group be dissolved  
 27 on June 30, 2016; and

28  
 29 BE IT FURTHER RESOLVED that certified copies of this  
 30 Concurrent Resolution be transmitted to the Governor, President  
 31 of the Senate, Speaker of the House of Representatives, Director  
 32 of Public Safety, Prosecuting Attorney of the County of Hawaii,  
 33 Prosecuting Attorney of the County of Kauai, Prosecuting  
 34 Attorney of the County of Maui, Prosecuting Attorney of the City  
 35 and County of Honolulu, Office of the Public Defender, Attorney  
 36 General, Administrator of the Courts, Executive Director of the  
 37 American Civil Liberties Union of Hawaii, and Executive Director  
 38 of the Hawaii Civil Rights Commission.

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 41  OFFERED BY:   
  
  
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H.C.R. NO. 146

J. W. ...

[Signature]

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Cindy Evans

Linda ...

Yehi Powke

MAR 13 2015

