
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
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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
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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
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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
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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
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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; and



1 WHEREAS, Hawaii utilizes mandatory indeterminate sentencing
2 by which the Hawaii Paroling Authority is authorized, without
3 the benefit of court supervision, to determine the minimum term
4 of imprisonment; and

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6 WHEREAS, it is appropriate for the Judiciary to retain
7 statutory authority for minimum sentencing because it is better
8 situated to make case-by-case determinations with its knowledge
9 of the facts and law of each case; now, therefore,

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11 BE IT RESOLVED by the House of Representatives of the
12 Twenty-eighth Legislature of the State of Hawaii, Regular
13 Session of 2015, the Senate concurring, that the Department of
14 Public Safety is requested to convene a working group to examine
15 the concept of smarter sentencing to improve the quality and
16 reliability of the State's criminal justice sentencing policies
17 and practices; and

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19 BE IT FURTHER RESOLVED that the purpose of the working
20 group is to research:

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22 (1) The number of cases over the last ten years in which
23 smarter sentencing principles were applied to the
24 negotiation and recommendation of a sentence;
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26 (2) The number of cases over the past ten years in which
27 principles of smarter sentencing were applicable;
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29 (3) Possibilities of designing, implementing, and
30 streamlining a process involving smarter sentencing;
31 and
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33 (4) The effects of indeterminate sentencing and the
34 possibility of restoring statutory authority for
35 minimum sentencing to the Judiciary; and

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

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40 (1) The Chair of the Senate and House of Representatives
41 committees with primary jurisdiction over the
42 Judiciary;
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1 (2) The Chair of the Senate and House of Representatives
2 committees with primary jurisdiction over public
3 safety;

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5 (3) The county prosecutor of each of the counties of
6 Hawaii, Kauai, and Maui, and the City and County of
7 Honolulu;

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9 (4) One public defender to represent the Office of the
10 Public Defender located in each of the counties of
11 Hawaii, Kauai, and Maui, and the City and County of
12 Honolulu;

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14 (5) The Attorney General, or the Attorney General's
15 designee;

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17 (6) Two members appointed by the Chief Justice of the
18 Hawaii Supreme Court;

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20 (7) One representative of the American Civil Liberties
21 Union of Hawaii;

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23 (8) One representative of the Hawaii Civil Rights
24 Commission; and

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26 (9) Four members from the community, to be appointed by
27 the Governor; and

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

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33 BE IT FURTHER RESOLVED that the working group is requested
34 to submit a report of its findings and recommendations,
35 including any proposed legislation, to the Legislature no later
36 than twenty days prior to the convening of the Regular Session
37 of 2016; and

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39 BE IT FURTHER RESOLVED that no member of the working group
40 shall be subject to Chapter 84, Hawaii Revised Statutes, solely
41 because of that member's participation with the working group;
42 and



1 BE IT FURTHER RESOLVED that the working group be dissolved
2 on June 30, 2016; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Governor, President
6 of the Senate, Speaker of the House of Representatives, Director
7 of Public Safety, Prosecuting Attorney of the County of Hawaii,
8 Prosecuting Attorney of the County of Kauai, Prosecuting
9 Attorney of the County of Maui, Prosecuting Attorney of the City
10 and County of Honolulu, Office of the Public Defender, Attorney
11 General, Administrator of the Courts, Executive Director of the
12 American Civil Liberties Union of Hawaii, and Executive Director
13 of the Hawaii Civil Rights Commission.

