
A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE.

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

1 SECTION 1. Pursuant to House Concurrent Resolution No. 27,
2 H.D. 1 (2009), on September 28, 2010, the office of Hawaiian
3 affairs released a study entitled, "The Disparate Treatment of
4 Native Hawaiians in the Criminal Justice System." The study
5 showed that the disproportionate representation of native
6 Hawaiians in the criminal justice system accumulates at each
7 stage of the system.

8 In response to the findings and recommendations of the
9 disparate-treatment study, Act 170, Session Laws of Hawaii 2011,
10 established a task force to formulate policies and procedures to
11 eliminate the disproportionate representation of native
12 Hawaiians in Hawaii's criminal justice system.

13 In 2013, the task force submitted "The Native Hawaiian
14 Justice Task Force Report" to the legislature. Among other
15 findings and recommendations, the report states, "In order to
16 inform future policy decisions regarding the disproportionate
17 representation of Native Hawaiians in the criminal justice



1 system, the State of Hawai'i needs to identify what data is being
2 collected at different points within the criminal justice
3 system, improve data integration, and improve data
4 infrastructure amongst state agencies."

5 The report finds that although the disproportionate
6 representation of Native Hawaiians in the criminal justice
7 system has been clearly and repeatedly established, further
8 study is warranted to "provide a richer understanding of why
9 native Hawaiians remain disproportionately represented in the
10 criminal justice system." Finally, the report finds that,
11 "Effective change in the criminal justice system will require a
12 sustained, continued cooperation amongst state agencies and
13 private organizations." To this end, the report recommends that
14 the State provide permanent funding and full time staffing in
15 the appropriate agency to achieve this goal.

16 The purpose of this Act is to implement the data-related
17 recommendations of the native Hawaiian justice task force by:

- 18 (1) Authorizing the department of the attorney general to
19 administer a statewide program for management of data
20 related to native Hawaiian overrepresentation in the
21 criminal justice system; and



1 (2) Establishing and funding permanent, full-time
2 positions in the department of the attorney general to
3 implement the statewide data management program.

4 SECTION 2. Section 28-10.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§28-10.5 Criminal and juvenile justice resource**
7 **coordination; administrator and staff.** (a) The department of
8 the attorney general shall serve as the clearinghouse for
9 information on financial and nonfinancial resources that may be
10 available to assist in improving the delivery or coordination of
11 services under, or the implementation of, programs of the
12 criminal justice and juvenile justice systems and agencies and
13 shall develop, update, and coordinate the implementation of a
14 comprehensive statewide plan of programs and priorities for the
15 improvement of law enforcement and criminal justice, including
16 the prevention and control of juvenile delinquency. In
17 addition, the department may:

18 (1) Seek, apply for, and administer federal funding and
19 other resources to enhance and expand the capabilities
20 of the criminal and juvenile justice agencies;



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1 (2) Coordinate and assess information on a statewide basis
2 for the development of policies to improve the
3 criminal justice and juvenile justice systems and
4 programs;

5 (3) Administer state-funded criminal and juvenile justice
6 programs as specifically directed by law or as may be
7 implied through the appropriation of funds; ~~and~~

8 (4) Administer programs for the prevention of sexual
9 violence and the protection and treatment of victims
10 of sexual violence[-]; and

11 (5) Administer a program for statewide data collection and
12 analysis and improvement of integrated data
13 infrastructure related to native Hawaiian
14 overrepresentation in the criminal justice system
15 across state agencies.

16 (b) The attorney general may employ, without regard to
17 chapter 76, and at pleasure dismiss, an administrator to oversee
18 and carry out the resource coordination functions of the
19 department set forth in subsection (a). In addition, the
20 attorney general may employ, in accordance with chapter 76,



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1 other support staff necessary for the performance of the
2 resource coordination functions.

3 (c) The attorney general shall employ, without regard to
4 chapter 76, an administrator and other necessary staff to carry
5 out the program for statewide data collection and analysis and
6 improvement of integrated data infrastructure related to native
7 Hawaiian overrepresentation in the criminal justice system
8 across state agencies as specified in subsection (a) (5)."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2017-2018 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2018-2019 for full-time equivalent (FTE) positions in
14 the department of the attorney general to carry out a program
15 for statewide data collection and analysis and improvement of
16 integrated data infrastructure related to the overrepresentation
17 of Native Hawaiians in the criminal justice system.

18 The sums appropriated shall be expended by the department
19 of the attorney general for the purposes of this Act.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect on July 1, 2017.

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Report Title:

Native Hawaiians; Criminal Justice; Data Management;
Appropriation

Description:

Authorizes the Department of the Attorney General to administer a statewide program for management of data related to the overrepresentation of Native Hawaiians in the criminal justice system. Establishes positions. Makes appropriation.

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