

---

---

# 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 long prison  
2 sentences and an increase in offender recidivism rates have  
3 contributed to a spike in the United States' prison population  
4 despite the decrease of crime in the past twenty years.

5           The increase in prisoners has led to inflated government  
6 spending on corrections, rising operating costs of correctional  
7 facilities, and reduced funding for other essential government  
8 services.

9           The legislature finds that a collaborative approach by  
10 stakeholders using successful, research-based solutions would  
11 improve Hawaii's correctional system and ensure positive  
12 outcomes for prisoners and the community.

13           The purpose of this Act is to establish a temporary  
14 commission on criminal justice and sentencing reform to:

15           (1) Develop a statewide plan of sentencing and corrections  
16 policies that would reduce the State's prison  
17 population by twenty-five per cent by year 2025,



1           reduce spending on corrections, and reinvest the  
2           savings gained in strategies to increase public safety  
3           and reduce recidivism; and

4           (2) Review and recommend relocation of a prison or  
5           correctional facility to comply with federal  
6           guidelines on the health and welfare of the inmate  
7           population and to modernize the prison or correctional  
8           facility.

9           SECTION 2. There is established a temporary commission to  
10          be known as the commission on criminal justice and sentencing  
11          reform to:

12          (1) Develop a statewide plan of sentencing and corrections  
13          policies that would reduce the State's prison  
14          population by twenty-five per cent by year 2025,  
15          reduce spending on corrections, and reinvest the  
16          savings gained in strategies to increase public safety  
17          and reduce recidivism; and

18          (2) Review and recommend relocation of a prison or  
19          correctional facility to comply with federal  
20          guidelines on the health and welfare of the inmate



1 population and to modernize the prison or correctional  
2 facility.

3 The commission shall be placed within the office of the  
4 governor for administrative purposes and shall cease to exist on  
5 June 30, 2019.

6 SECTION 3. The commission shall consist of the following  
7 members:

- 8 (1) The governor or the governor's designee;
- 9 (2) The chair of the senate committee on judiciary and  
10 labor or the chair's designee;
- 11 (3) The chair of the house committee on judiciary or the  
12 chair's designee;
- 13 (4) The chair of the senate committee on public safety,  
14 intergovernmental, and military affairs or the chair's  
15 designee;
- 16 (5) The chair of the house committee on public safety or  
17 the chair's designee;
- 18 (6) The director of health or the director's designee;
- 19 (7) The director of human services or the director's  
20 designee;



- 1           (8)    The director of public safety or the director's  
2                    designee;
- 3           (9)    The prosecuting attorney from a county with a  
4                    population of seven hundred fifty thousand or greater  
5                    or the prosecuting attorney's designee;
- 6           (10)   The state public defender or the state public  
7                    defender's designee;
- 8           (11)   The attorney general or the attorney general's  
9                    designee;
- 10          (12)   The chief justice and another member of the judiciary  
11                    or the chief justice's designees;
- 12          (13)   The executive director of the Hawaii civil rights  
13                    commission or the executive director's designee;
- 14          (14)   The executive director of the office of youth services  
15                    or the executive director's designee;
- 16          (15)   The dean of the John A. Burns School of Medicine at  
17                    the University of Hawaii or the dean's designee;
- 18          (16)   A university or college sociology professor whose  
19                    field of expertise is in recidivism who shall be  
20                    appointed by the governor;



- 1           (17) The executive director of the American Civil Liberties  
2                    Union of Hawaii or the executive director's designee;
- 3           (18) One social worker who assists in the rehabilitation  
4                    and attainment of employment skills for prisoners who  
5                    shall be appointed by the governor;
- 6           (19) Two experts in youth gang violence and drug abuse who  
7                    serve as directors for nonprofit organizations  
8                    specifically focused on youth gang reduction and  
9                    mentoring or support programs for at-risk youth, of  
10                   which one member shall be appointed from a list of  
11                   nominees submitted by the president of the senate, and  
12                   one member shall be appointed from a list of nominees  
13                   submitted by the speaker of the house of  
14                   representatives;
- 15          (20) Two prisoners' rights advocates, of which one member  
16                   shall be appointed from a list of nominees submitted  
17                   by the president of the senate, and one member shall  
18                   be appointed from a list of nominees submitted by the  
19                   speaker of the house of representatives;
- 20          (21) A top business executive who shall be appointed by the  
21                   governor;



- 1           (22) The chairperson of the board of directors of the  
2                   Hawaii chapter of the American Foundation for Suicide  
3                   Prevention or the chairperson's designee;
- 4           (23) The executive director of Mental Health America of  
5                   Hawaii or the executive director's designee;
- 6           (24) Two members who are family members of prisoners, of  
7                   which one member shall be appointed by the governor  
8                   from a list of nominees submitted by the president of  
9                   the senate, and one member shall be appointed by the  
10                  governor from a list of nominees submitted by the  
11                  speaker of the house of representatives;
- 12          (25) The executive director of the Sex Abuse Treatment  
13                  Center Hawaii or the executive director's designee;
- 14          (26) The executive director of the Hawaii State Coalition  
15                  against Domestic Violence or the executive director's  
16                  designee;
- 17          (27) The president of the National Association for the  
18                  Advancement of Colored People Hawaii Chapter or the  
19                  president's designee;
- 20          (28) The president of Mothers Against Drunk Driving Hawaii  
21                  or the president's designee; and



1           (29) Any member of a current and specified public safety  
2                    task force.

3           All members shall work cooperatively to find strategies to  
4 prevent crimes and reduce recidivism. The members shall not  
5 receive compensation for their services but shall be reimbursed  
6 for necessary expenses, including travel expenses, incurred in  
7 the performance of their duties under this Act.

8           No member shall be made subject to chapter 84, Hawaii  
9 Revised Statutes, solely because of that member's participation  
10 as a member of the commission.

11           SECTION 4. The commission may meet quarterly and may hold  
12 public meetings as it deems necessary; provided that before  
13 holding a public meeting the commission shall provide  
14 publication of notice pursuant to section 1-28.5, Hawaii Revised  
15 Statutes. At the initial meeting of the commission, to occur no  
16 later than sixty days after the enactment of this Act, its  
17 members shall elect a chair and vice chair and any other  
18 necessary officers from among the members. A majority of the  
19 commission members shall constitute a quorum for its necessary  
20 duties. The chair, at the request of a majority of members, may  
21 hold special meetings.



1 SECTION 5. (a) The commission shall focus on education,  
2 health, strong families and support groups, and poverty as  
3 cornerstones in its development of a statewide plan of  
4 sentencing and corrections policies pursuant to this Act.

5 (b) To fulfill the cornerstone on education, the  
6 commission shall address, at minimum, the following:

7 (1) Ensuring resources are targeted at providing students  
8 a quality education from pre-kindergarten to college;

9 (2) Ensuring reading skills are taught to children as well  
10 as prisoners; and

11 (3) Evaluating the use of high-quality, state-funded  
12 developmental daycare centers.

13 (c) To fulfill the cornerstone on health, the commission  
14 shall address, at minimum, the following:

15 (1) Using developmental screening as a test to see if a  
16 student or prisoner is learning basic health skills  
17 and providing the student or prisoner self-sufficiency  
18 assistance;

19 (2) Ensuring the availability of prenatal care to treat  
20 and prevent potential health problems throughout the



- 1 course of a pregnancy while promoting healthy  
2 lifestyles that benefit both mother and child; and  
3 (3) Ensuring the availability of mental health and illegal  
4 drug use consultation and assistance to the community  
5 and prisoners.  
6 (d) To fulfill the cornerstone on strong families and  
7 support groups, the commission shall address, at minimum, the  
8 following:  
9 (1) Evaluating and reforming housing requirements for  
10 individuals convicted of certain types of crimes, such  
11 as nonviolent or minor offenses;  
12 (2) Ensuring proper assistance is provided to children,  
13 adults, and families so they may live healthy and  
14 productive lives, and realize their full potential as  
15 contributing members of their communities;  
16 (3) Ensuring prisoners are offered participation in  
17 support groups and provided individualized plans for  
18 self-sufficiency and reintegration into society; and  
19 (4) Ensuring parenting programs and classes are available  
20 to families, especially public housing families in the  
21 lower-income bracket.



1           (e) To fulfill the cornerstone on poverty, the commission  
2 shall address, at minimum, the following:

3           (1) Ensuring prisoners undergo parental job training and  
4           are taught skills or trades that may be used upon  
5           their release from prison;

6           (2) Ensuring affordable rental housing is available for  
7           prisoners upon release from prison and individuals  
8           with low income;

9           (3) Ensuring community members and prisoners learn about  
10          nutrition and the Supplemental Nutrition Assistance  
11          Program;

12          (4) Ensuring case management services are provided for  
13          individuals receiving public assistance;

14          (5) Ensuring prisoners with developmental disabilities are  
15          provided services and supports appropriate to their  
16          needs so they may successfully reintegrate into  
17          society; and

18          (6) Evaluating the use of employment-related daycare  
19          centers that will provide parents safe care for their  
20          children and provide safe care for the elderly.



1           SECTION 6. (a) The commission shall review the State's  
2 sentencing policies and probation system to reduce the State's  
3 prison population by twenty-five per cent by year 2025, reduce  
4 spending on corrections, and reinvest the savings gained in  
5 strategies that will increase public safety and reduce  
6 recidivism.

7           (b) In reviewing the State's sentencing policies, the  
8 commission shall address, at minimum, the following:

- 9           (1) Evaluating whether to abolish mandatory minimum  
10 sentences law; and
- 11           (2) Evaluating statutes that address habitual offenders,  
12 and diversion treatments such as specialty courts with  
13 incentives, including drug treatment court and  
14 Hawaii's opportunity probation with enforcement (HOPE)  
15 program.

16           (c) In reviewing the State's probation system, the  
17 commission shall include, but not be limited to, an evaluation  
18 of the State's current practices relating to incarceration,  
19 crime prevention, and education with a focus on reducing  
20 spending on corrections and reinvesting the savings gained in  
21 strategies that will increase public safety and reduce



1 recidivism. The focus of this Act is to ensure public safety  
2 and safer communities statewide.

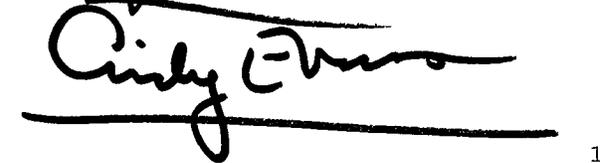
3 SECTION 7. The commission shall report its findings and  
4 recommendations on its activities, including any proposed  
5 legislation, to the legislature no later than twenty days prior  
6 to the convening of the regular session of 2019.

7 SECTION 8. It is the intent of this Act not to jeopardize  
8 the receipt of any federal aid. If any provision of this Act,  
9 or the application thereof to any person or circumstance, is  
10 found to be in conflict with federal requirements that are a  
11 prescribed condition for the allocation of federal funds to the  
12 State, the provision shall be deemed void; provided that the  
13 voided provision shall not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 voided provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 9. This Act shall take effect upon its approval.  
18

INTRODUCED BY:





Richard Lopez  
Alan H

Sean  
John Smith  
Ray M. Smith  
Ben Brown

JAN 24 2017



# H.B. NO. 1295

**Report Title:**  
Public Safety

**Description:**

Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office to develop a statewide framework of sentencing and corrections policies to reduce the State's incarcerated population by 25 percent by 2025. Allows the Commission to make recommendations on moving a correctional facility to comply with federal guidelines and to modernize. Requires the Commission to develop a plan to reduce spending on corrections and reinvest in strategies to increase public safety and reduce recidivism.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

