STAND. COM. REP. NO. 2825

Honolulu, Hawaii

MAR 0 3 2022

RE: S.B. No. 2872 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2872 entitled:

"A BILL FOR AN ACT RELATING TO DATA COLLECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to require that the sexual orientation and gender identity of persons processed for crimes be included in the systems of identification.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Stonewell Caucus of the Democratic Party of Hawai'i, Hawai'i Health & Harm Reduction Center, AF3IRM Hawai'i, Rainbow Family 808, and seven individuals. Your Committee received comments on this measure from the Department of the Attorney General and Judiciary.

Your Committee finds that sexual and gender minorities are disproportionately represented in the criminal legal system, including higher rates of arrest, incarceration, and community supervision. Transgender people and other sexual and gender minorities have historically been the target of enforcement actions. Your Committee further finds that currently, the Honolulu Police Department and Maui Police Department only offer male and female categories for gender. Therefore, it is difficult to measure the problem of violence against sexual and gender minorities. This measure will help to standardize data collection

on gender across the State and acknowledge transgender and nonbinary categories in data reporting.

Your Committee has amended this measure by:

- (1) Adopting the recommendations proposed by the Hawai'i State Commission on the Status of Women as follows:
 - Deleting language that included sexual orientation (A) as information to be included in the systems of identification; and
 - Specifying that the data center shall collect the (B) following gender identity designations and terminologies: male, female, transgender women/female, transgender man/male, and non-binary;
- (2) Specifying that gender identity information collected shall remain confidential and shall be used strictly for statistical research and data analysis;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4)Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2872, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2872, S.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Date:		
SB 2872	JDC		02-24-22		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (W	R) Nay	Excused
RHOADS, Karl (C)					
KEOHOKALOLE, Jarrett (VC)		/			_
ACASIO, Laura					
GABBARD, Mike					
KIM, Donna Mercado					
LEE, Chris					
FEVELLA, Kurt		/			
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TOTAL		7		-	_
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes