

Honolulu, Hawaii

MAR 03 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 non-binary 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:
 - (A) Deleting language that included sexual orientation as information to be included in the systems of identification; and
 - (B) Specifying that the data center shall collect the 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



