
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds that the
2 overrepresentation of Native Hawaiian, Pacific islander, and
3 communities of color across Hawaii's criminal legal system
4 reflects multiple institutions and systems that perpetuate
5 inequities and suffering, from initial police contact to the
6 intergenerational impact of incarceration and punishment. To
7 address this, a comprehensive study by the office of Hawaiian
8 affairs and two state-mandated task force reports have called
9 for a new approach to justice, based on rehabilitative rather
10 than punitive approaches, in alignment with Hawaii's core
11 values. The legislature established the House Concurrent
12 Resolution 85 task force on prison reform; Criminal Justice
13 Research Institute; and Hawaii correctional system oversight
14 commission, which offers research, data, recommendations, best
15 practices, and oversight to inform future criminal justice
16 reform. Hookaulike is an attempt at one such approach. It
17 seeks to engage a broad consortia of stakeholders to share



1 knowledge, align institutions, augment justice-related training
2 and education programs, and engage the community in developing
3 and piloting new justice pathways, generating cutting-edge
4 scholarship, and forging durable bonds of service and support
5 within the community to foster and further inclusive justice.
6 The institute will provide a new resource to support critical
7 next steps and implementation. The work to explore alternative
8 models to our criminal justice institutions naturally falls
9 outside of the mandates of the institutions themselves, making
10 this resource especially needed.

11 The legislature further finds that the State's punitive
12 criminal justice system disproportionately arrests and imprisons
13 Kanaka Maoli, the indigenous people of Hawaii, who continue to
14 suffer from their loss of sovereignty and land, and from
15 structural racism. Native Hawaiians, along with Pacific
16 Islanders and other people of color, experience economic,
17 education, and health disparities; as they also are strikingly
18 overrepresented in the current system, from policing and arrests
19 to sentencing and parole. This is a problem of statewide
20 concern and has yet to be addressed by the State.



1 The legislature also finds that the structural racism that
2 has existed in Hawaii for centuries is embedded in the current
3 criminal legal system which, studies have shown, has a
4 devastating impact on Native Hawaiians at every stage of the
5 criminal process. From first contact with Europeans in 1778,
6 through the armed overthrow of the independent Hawaiian monarchy
7 in 1893 and Hawaii's subsequent incorporation by the United
8 States, Native Hawaiians have struggled to survive. The loss of
9 sovereignty has framed successive waves of missionaries,
10 settlers, laborers, businesses, and military personnel, whose
11 appropriation of power and land further imperiled Native
12 Hawaiian language, practices, and identity, subjugating and
13 trivializing indigenous culture. Native Hawaiians along with
14 other Pacific Islanders and people of color still struggle
15 against systemic racism, poverty, houselessness, and poor
16 health, all exacerbated by Hawaii's high cost of living. No
17 symptom of indigenous suffering better illustrates the aftermath
18 of colonization than Hawaii's current criminal justice system,
19 which devastates and traumatizes poor communities. Recent
20 studies by the National Prison Policy Institute describe
21 ingrained disparities for Native Hawaiians and Pacific



1 Islanders. Although together they comprise only twenty per cent
2 of the adult population, they constitute nearly forty per cent
3 of the State's prison population. Native Hawaiians receive
4 comparatively longer prison sentences; they are more likely to
5 be incarcerated if convicted; they suffer longer detention while
6 awaiting trial; and they are overrepresented in the prison
7 population flown to out-of-state private prison in Arizona.
8 After release, they also lack support services to secure housing
9 and employment, which results in their return to prison and the
10 ongoing cycle of incarceration. For Pacific Islanders,
11 especially relative newcomers from Compacts of Free Association
12 nations in Micronesia, the problems are compounded by the
13 absence of extended families in Hawaii and routine poverty upon
14 their arrival. That many Micronesian families have emigrated to
15 Hawaii because of American strategic exploitations of their home
16 islands makes their plight even more appalling. Meanwhile, the
17 State is poised to compound these problems with its current plan
18 to build a new \$525,000,000 jail. Projected to house one
19 thousand prisoners, this plan ignores numerous expert studies
20 recommending innovative correctional approaches and networked



1 community-based hubs that replace punishment with
2 rehabilitation.

3 The legislature believes that the State must create an
4 inclusive and fair criminal legal system devoted to restoration
5 and healing, particularly addressing the disparate challenges
6 facing Native Hawaiians, Pacific Islander communities, and
7 people of color in the criminal legal system. These ongoing
8 issues include intergenerational poverty and trauma, structural
9 and systemic racism, and over-policing, with consequent
10 disparate levels of incarceration. Addressing these issues of
11 state-wide concern must rely on the University of Hawaii at
12 Manoa and the research, community engagement, and teaching
13 capacities of the William S. Richardson School of Law, the
14 Hawaiiinuiakea School of Hawaiian Knowledge, and the University
15 of Hawaii community design center.

16 The legislature also finds that establishment of an
17 institute for restoration and healing within the criminal legal
18 system at the William S. Richardson School of Law is a matter of
19 statewide concern.

20 The purpose of this Act is to establish an institute to be
21 located within the William S. Richardson School of Law to be



1 known as the Hookaulike: a criminal legal system institute for
2 restoration and healing.

3 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
4 amended by adding a new section to part IV, subpart D, to be
5 appropriately designated and to read as follows:

6 "§304A- Hookaulike: a criminal legal system institute
7 for restoration and healing; established. (a) There is
8 established at the William S. Richardson School of Law the
9 hookaulike: a criminal legal system institute for restoration
10 and healing, to be under the direction of a director who shall
11 be appointed by the dean of the school of law, with the approval
12 of the board of regents.

13 (b) Subject to the availability of funds, faculty, and
14 facilities, the institute shall assist vulnerable communities to
15 help in the design and advocacy of inclusive and fair criminal
16 legal systems aimed at restoration and healing, particularly the
17 disparate challenges facing Native Hawaiians, Pacific Islander
18 communities, and people of color in the criminal legal system.

19 (c) The institute may:

20 (1) Conduct and promote research, conferences, and studies
21 to improve legal systems, laws, policies, methods,



1 rules, procedures, and forms relating to federal,
2 state and local government;

3 (2) Report on and make recommendations regarding goals,
4 guidelines, innovations, and evaluation of federal,
5 state, and local government initiatives; and

6 (3) Create a conduit for regular reporting and
7 consultation with state and private agencies charged
8 with evaluation and policy regarding policing,
9 prosecution, and corrections.

10 (d) As used in this section:

11 "Director" means the director of the hookaulike: a
12 criminal legal system institute for restoration and healing, at
13 the William S. Richardson School of Law.

14 "Institute" means the hookaulike: a criminal legal system
15 institute for restoration and healing, at the William S.
16 Richardson School of Law."

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$455,000 or so much
19 thereof as may be necessary for fiscal year 2022-2023 for seven
20 permanent full-time equivalent (7.0 FTE) positions and funding
21 for hookaulike: a criminal legal system institute for



1 restoration and healing, at the William S. Richardson School of
2 Law as follows:

3 (1) \$175,000 for one permanent full-time equivalent (1.0
4 FTE) J-Faculty line to be anchored in the William S.
5 Richardson School of Law and shared with the
6 Hawaiiinuiakea school of Hawaiian knowledge to serve as
7 director;

8 (2) \$80,000 for one permanent full-time equivalent (1.0
9 FTE) APT - B level budget line to support the
10 director, advance the mission of the institute, and
11 assist with outreach and support of the institute's
12 advocacy initiatives;

13 (3) \$150,000 for five permanent full-time equivalent (5.0
14 FTE) graduate research assistant positions for
15 students from both the William S. Richardson School of
16 Law and the Hawaiiinuiakea school of Hawaiian
17 knowledge, and the community design center to support
18 the mission and work of the institute; and

19 (4) \$50,000 in operational funds to support the work of
20 the institute through regular events, symposia, white
21 papers, technology, or consultations devoted to



1 connecting the work of other social justice leaders to
2 improve the criminal legal system, from police or
3 security contact, through sentencing and
4 incarceration.

5 The sum appropriated shall be expended by the University of
6 Hawaii for the purposes of this Act.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2022.

9

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Sybil G. ...", is written over a horizontal line.

JAN 24 2022



H.B. NO. 2013

Report Title:

UH; Law School; Prison Reform; Appropriation

Description:

Establishes the Hookaulike: A Criminal Legal System Institute for Restoration and Healing, at the University of Hawaii William S. Richardson School of Law. Appropriates moneys.

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