S.B. NO. <sup>210</sup> S.D. 2 H.D. 1

C.D. 1

## A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE DATA SHARING.

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

The legislature finds that the State lacks a 1 SECTION 1. 2 common repository for tracking data related to the criminal justice system. All state and county criminal justice agencies 3 plan, design, procure, implement, and operate their own separate 4 5 information systems. As such, data sharing consists of one-off 6 solutions, often requiring grants and outside contractors. 7 Accordingly, the purpose of this Act is to establish a criminal justice data sharing working group to make 8 9 recommendations for a statewide criminal justice data repository 10 to: Facilitate collaborative decision-making, coordinated 11 (1) 12 planning, and cooperative implementation among criminal justice agencies and relevant partners; 13 (2)Support the fair, efficient, and effective operation 14 15 of the criminal justice system; 16 (3) Promote interoperability through the use of common 17 elements;



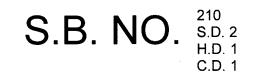
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1	(4)	Allow agencies to securely and efficiently share
2		appropriate information; and
3	(5)	Support criminal justice and other purposes, including
4		improved public safety and homeland security, while
5		respecting the privacy of citizens.
6	SECT	ION 2. (a) There is established the criminal justice
7	data shar	ing working group to address the complexities of
8	statewide	data sharing in the criminal justice system and make
9	recommend	ations for a statewide criminal justice data
10	repositor	y. The working group shall:
11	(1)	Develop a formal memorandum of agreement to be
12		executed by participating agencies to ensure the
13		repository's continued operation and coordinated
14		planning and development;
15	(2)	Identify operational and policy drivers that will
16		influence development priorities for the repository in
17		the short and long term;
18	(3)	Identify policy, legislative, and operational issues
19		associated with the planning, development, and
20		implementation of the repository; and

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1	(4)	Formulate recommendations for changes in policy,
2		legislation, and operations to facilitate data
3		sharing.
4	(b)	The working group shall comprise of the following
5	members:	
6	(1)	The attorney general, or the attorney general's
7		designee, who shall serve as chairperson of the
8		working group;
9	(2)	The director of public safety, if applicable, or the
10		director's designee;
11	(3)	The director of corrections and rehabilitation, if
12		applicable, or the director's designee;
13	(4)	The director of law enforcement, if applicable, or the
14		director's designee;
15	(5)	The administrative director of the courts, or the
16		administrator's designee;
17	(6)	The public defender, or the public defender's
18		designee;
19	(7)	The prosecuting attorney for the counties of Hawaii,
20		Maui, Kauai, and the city and county of Honolulu, or
21		the prosecuting attorney's designee;



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1	(8)	The chief of police for the counties of Hawaii, Maui,
2		Kauai, and the city and county of Honolulu, or the
3		chief's designee;
4	(9)	The chair of the house of representatives committee on
5		corrections, military, and veterans, or the chair's
6		designee; and
7	(10)	The chair of the senate committee on public safety and
8		intergovernmental and military affairs, or the chair's
9		designee.
10	(c)	The working group shall select a vice chairperson from
11	among its	members.
12	(d)	The working group may:
13	(1)	Hold informational briefings and listening sessions to
14		gather input from the public on issues related to
15		criminal justice data sharing within the State; and
16	(2)	Request assistance and feedback from subject matter
17		experts, as needed, to enable the working group to
18		carry out its work.
19	(e)	The working group shall provide to the legislature:
20	(1)	Annual updates, including recommendations for any
21		legislative or administrative action the working group



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1		deems appropriate to address data sharing concerns or
2		to enable the working group to carry out its work; and
3	(2)	A final report, including recommendations for further
4		actions to be implemented over the following two
5		years, no later than twenty days prior to the
6		convening of the regular session of 2026, for a
7		repository start date of July 1, 2028.
8	(f)	The legislative reference bureau, upon request of the
9	working g	roup's chairperson by no later than October 1st of each
10	year, may	draft proposed legislation for the working group.
11	(g)	The working group shall be officially convened at the
12	pleasure	of the chairperson and vice chairperson, but no later
13	than Augu	st 1, 2023.
14	(h)	The data to be shared between departments may include:
15	(1)	For each criminal case:
16		(A) Pre-charging information;
17		(B) Case number;
18		(C) Date the alleged offense occurred;
19		(D) County in which the offense is alleged to have
20		occurred;

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1		(E)	Date the defendant was taken into physical
2			custody by a law enforcement agency or was issued
3			a notice to appear on a criminal charge, if the
4			date is different than the date on which the
5			offense is alleged to have occurred;
6		(F)	Date that the criminal prosecution of a defendant
7			was formally initiated, either by the state
8			attorney filing an information with the clerk of
9			the court, or an indictment issued by a grand
10			jury;
11		(G)	Arraignment date;
12		(H)	Attorney assignment date;
13		(I)	Attorney withdrawal date;
14		(J)	Case status; and
15		(K)	Disposition date;
16	(2)	For	each defendant:
17		(A)	Name;
18		(B)	Date of birth;
19		(C)	Age;
20		(D)	Race, ethnicity, and national origin;
21		(E)	Gender;





1	(F) Addr	ess of primary residence;
2	(G) Prim	ary language;
3	(H) Citi	zenship;
4	(I) Immi	gration status, if applicable;
5	(J) Whet	her the defendant has been found by a court
6	to b	e indigent;
7	(K) Info	rmation related to any formal charges filed
8	agai	nst the defendant, including:
9	(i)	Charge description;
10	(ii)	Charge modifier, if applicable; and
11	(iii)	Drug type for each drug charge, if known;
12	(L) Qual	ifications for any flag designation,
13	incl	uding flags for domestic violence, gang
14	affi	liation, sexual offenses, habitual offenses,
15	or p	retrial release violations;
16	(M) Info	rmation related to bail or bond and pretrial
17	rele	ase determinations, including:
18	(i)	All monetary and nonmonetary conditions of
19		release;
20	(ii)	Any modification of bail or bond conditions
21		made by a court having jurisdiction to try





	the defendant or by the circuit court,
	including modifications to any monetary or
	nonmonetary conditions of release;
(iii)	Cash bail or bond payment, including whether
	the defendant utilized a bond agent to post
	a surety bond; and
(iv)	Any bail or bond revocation due to a new
	offense, failure to appear, or violation of
	the terms of bail or bond, if applicable;
(N) Info:	rmation related to sentencing, including:
(i)	Date that a court entered a sentence against
	a defendant;
(ii)	Charge sentenced to, including charge
	sequence number, charge description,
	statute, type, and charge class severity;
(iii)	Sentence type and length imposed by the
	court, including the total duration of
	imprisonment in a court detention facility
	or state correctional institution or
	facility, and conditions for probation or
	community control supervision; and
	(iv) (N) Info: (i) (ii)





1		(iv) Amount of time that the defendant has served
2		in custody that is related to the reported
3		criminal case and will be credited at the
4		time of the case's disposition to reduce the
5		actual length of time the defendant will
6		serve on the term of imprisonment that the
7		court orders at disposition; and
8		(O) Any restitution ordered, including the amount
9		collected by the court and the amount paid to the
10		victim;
11	(3)	For each victim, the relationship to the offender, if
12		any;
13	(4)	For each inmate:
14		(A) Date and reason the defendant was processed into
15		the county detention facility subsequent to an
16		arrest for a new violation of law, probation, or
17		community control;
18		(B) Qualifications for any flag designation,
19		including flags for domestic violence, gang
20		affiliation, sexual offenses, habitual offenses,
21		or pretrial release violations;



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1	(C)	Identification number assigned by the department;
2	(D)	Number of children;
3	(E)	Education level, including any vocational
4		training;
5	(F)	Date the inmate was admitted to the custody of
6		the department;
7	(G)	Current institution placement and the security
8		level assigned to the institution;
9	(H)	Custody level assignment;
10	(I)	Whether the reason for admission to the
11		department was for a new conviction or a
12		violation of probation, community control, or
13		parole. For an admission of probation, community
14		control, or parole violation, whether the
15		violation was technical or based on a new
16		violation of law;
17	(J)	Specific statutory citation for which the inmate
18		was committed to the department, including an
19		inmate convicted of drug trafficking;
20	(K)	Length of sentence or concurrent or consecutive
21		sentences served;

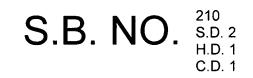


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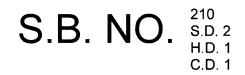
1		(L)	Tentative release date;
2		(M)	Any prior incarceration within the State;
3		(N)	Any disciplinary violation and action; and
4		(0)	Any participation in rehabilitative or
5			educational programs while in the custody of the
6			department; and
7	(5)	For	persons supervised by the department for probation
8		or c	ommunity control:
9		(A)	Name;
10		(B)	Date of birth;
11		(C)	Race, ethnicity, and national origin;
12		(D)	Gender;
13		(E)	Department-assigned case number;
14		(F)	Length of probation or community control sentence
15			imposed and amount of time that has been served
16			on the sentence;
17		(G)	Projected termination date for probation or
18			community control; and
19		(H)	Any revocation of probation or community control
20			due to a violation, including whether the
21			revocation is due to a technical violation of the

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1	conditions of supervision or a new violation of
2	law.
3	(i) The working group members and their respective
4	departments and agencies shall protect the information and data
5	that may be shared as part of the working group.
6	(j) The working group shall cease to exist on July 1,
7	2029.
8	SECTION 3. This Act shall take effect upon its approval.





## **Report Title:** City and County of Honolulu Package; Criminal Justice Data Sharing; Working Group

## Description:

Establishes a Criminal Justice Data Sharing Working Group to make recommendations for a statewide criminal justice data repository. (CD1)

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

