



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 222, MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, January 31, 2023 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Julie Ebato, Administrator, Crime Prevention and Justice
Assistance Division

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this measure, provided that its passage does not replace or adversely impact the priorities indicated in our executive budget. This bill would provide funds to support the Career Criminal Program (CCP) provided by the Department of the Prosecuting Attorney, City and County of Honolulu.

The Department of the Prosecuting Attorney, City and County of Honolulu, is one of the four recipients of the State CCP funds. The State CCP funding is used to support the salaries and fringe benefits of program staff; however, the program funding has not been adjusted for inflation and the actual cost for program staff since 1995. Over time, less staffing is supported with State CCP funds.

For the 28-year period covering fiscal years 1994-1995 to 2022-2023, State CCP funding has steadily declined and has not seen any significant increase. For fiscal year 1994-1995, the State CCP allocation was \$2,679,697 and the fiscal year 2022-2023 allocation is \$1,233,922.

The funding would help to fulfill the requirements of chapter 845, "Career Criminals," Hawaii Revised Statutes (HRS) that established a statewide career criminal prosecution program, "whose purpose shall be the investigation and prosecution of those persons identified as habitual or career criminals."

The CCP is administered by the Department of the Attorney General and is conceptually based upon the establishment of a highly skilled prosecutorial unit within each county prosecuting attorney's office. The criteria established by chapter 845, HRS, serves to identify the career criminals. This bill benefits the Department of the Attorney General by providing the Prosecuting Attorney with additional funding to pursue habitual and career criminals in the City and County of Honolulu. We respectfully ask the Committee to pass this bill. Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

January 31, 2023

RE: S.B. 222; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong support** of S.B. 222. This bill is part of the Department's 2023 legislative package, and we thank you for hearing it.

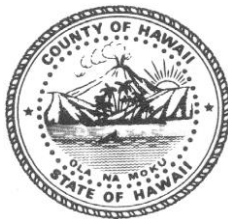
The purpose of S.B. 222 is to provide additional funding needed to maintain the Department’s current level of coverage for the Career Criminal Prosecution (“CCP”) Unit. The amount needed to maintain current operations is **\$708,806**. This would account for the difference between actual costs, and costs covered by funding from the Department of the Attorney General and the City and County of Honolulu.

Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, of the Hawai`i Revised Statutes, the CCP program was created because a disproportionate amount of serious crimes are committed by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." To address this ongoing problem, the State created the Career Criminal Prosecution program, which it originally funded annually. In the past, the Department’s CCP Unit has periodically been scaled back, when there was insufficient funding to maintain full staffing. Money spent on the CCP Unit is an efficient use of resources, as it provides citizens with swift and effective justice, reducing heavy caseloads and long court delays. With your support, the Department will continue to have the tools necessary to protect our public from career criminals.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 222. Thank you for the opportunity to testify on this matter.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN STRONG SUPPORT OF SENATE BILL 222

A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY, CITY AND COUNTY OF HONOLULU

COMMITTEE ON JUDICIARY
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

Tuesday, January 31, 2023, 10:00 a.m.
Conference Room 016 & Via Videoconference
415 South Beretania Street

Honorable Chair Rhoads, Honorable Vice Chair Gabbard, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in strong support of Senate Bill No. 222.

This measure makes an appropriation to the Department of the Prosecuting Attorney, City and County of Honolulu for the Career Criminal Prosecution Unit (CCP).

The CCP program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals." Funds directed to the CCP unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services. Having this funding is critical to enable, equip and retain staff with the necessary tools and skills needed to effectively deal with complex situations of CCP.

The Office of the Prosecuting Attorney, County of Hawai'i strongly supports the passage of Senate Bill No. 222. Thank you for the opportunity to testify on this matter.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
JANUARY 31, 2023**

**SB 222 MAKING AN APPROPRIATION TO
THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU**

Good morning, Chair Rhoads and members of the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We are in strong support of SB 222 Making an Appropriation to the Department of The Prosecuting Attorney of The City and County of Honolulu. This Appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit.

Everyday retail stores are being repeatedly targeted by thieves and we are seeing an increase in shoplifting. Many people who steal are repeat offenders who are part of organized retail crime. In other words, they feel that that is their job to steal for a living and sell the items themselves or to someone who can fence these stolen items. These offenders often feel that they can get away with their crimes as they are non-violent and they are often not sentenced, fined, or given any consequences by the courts for their actions. However, over the past couple of years we are seeing a difference with the prosecutors taking on the career criminal cases and sending out the word those habitual offenders that will be prosecuted.

We ask that you please pass this measure.

Mahalo for this opportunity to testify.

SB-222

Submitted on: 1/28/2023 10:56:08 AM

Testimony for JDC on 1/31/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand IN STRONG SUPPORT!

SB-222

Submitted on: 1/27/2023 8:53:00 PM

Testimony for JDC on 1/31/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This does not work when you keep letting all the Crooks out of jail!!!!