

JOSH GREEN, M.D.
GOVERNOR



DEPT. COMM. NO. 62

ANNE E. LOPEZ
ATTORNEY GENERAL

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STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
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November 20, 2023

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report of the Gun Violence and Violent Crimes Commission, as required by section 134C-3(e), Hawaii Revised Statutes (HRS). In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Luis Salaveria, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, Ph.D., President, University of Hawaii

Enclosure

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REPORT OF THE GUN VIOLENCE AND VIOLENT CRIMES COMMISSION

Pursuant to Section 134C-3(e), Hawaii Revised Statutes

Submitted to the Thirty-Second State Legislature
Regular Session of 2024

Act 74, Session Laws of Hawaii 2020 (Act 74), was enacted on September 15, 2020. Act 74 added chapter 134C to the Hawaii Revised Statutes (HRS), and established the Gun Violence and Violent Crimes Commission (GVVCC). Pursuant to section 134C-1, HRS, the GVVCC is placed within the Department of the Attorney General for administrative purposes only. Section 134C-3(e), HRS, requires the GVVCC to submit a report of its findings and recommendations on policy relating to preventing gun violence and violent crimes, including any proposed legislation, to the Legislature no later than forty days prior to the convening of the regular session of 2022 and each regular session thereafter.

I. The Gun Violence and Violent Crimes Commission

The purposes of the GVVCC are to address gun violence and violent crimes in Hawai'i and to provide coordination, facilitation, and planning among state, county, and federal agencies and other partners as appropriate to carry out its purposes.

Pursuant to statute, the GVVCC shall endeavor to:

- (1) Identify relevant data that may be used to reduce gun violence and violent crimes;
- (2) Identify areas in which relevant data is not available;
- (3) Maximize the sharing between the agencies represented on the GVVCC and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and
- (4) Coordinate and conduct research on gun violence and violent crimes.

The GVVCC may also work with and engage stakeholders for the purposes of chapter 134C, HRS.

II. GVVCC Members

The Attorney General, Anne Lopez, GVVCC Chair;

The designee of the Chief Justice of the Supreme Court of Hawai'i, Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute, serving as the GVVCC Treasurer;

The designee of the Director of Health, Dr. Daniel J. Galanis, Epidemiologist, Department of Health;

The Director of Public Safety, Director Tommy Johnson, Department of Public Safety (note that this member will be replaced by the Director of Law Enforcement on January 1, 2024, pursuant to section 134C-2(b)(3), HRS);

A county prosecuting attorney selected by the chair of the GVVCC, Andrew H. Martin, Prosecuting Attorney, County of Maui, serving as the GVVCC Secretary;

The designee of the State Public Defender, Assistant Public Defender Lee S. Hayakawa, Office of the State Public Defender;

The Chief of Police of the Hawaii County Police Department, Chief Benjamin Moszkowicz;

The Chief of Police of the Honolulu Police Department, Chief Arthur "Joe" Logan;

The Chief of Police of the Kauai Police Department, Chief Todd G. Raybuck;

The Chief of Police of the Maui Police Department, Chief John Pelletier;

The Administrator of the Hawaii State Hospital, Kenneth Luke, M.D.;

The Dean of the College of Social Sciences at the University of Hawai'i at Manoa, Dr. Denise Eby Konan; and

The designee of the Dean of the John A. Burns School of Medicine, Dr. Gerald Busch, serving as the GVVCC Vice Chair.

No appointments/selections were made for the following members required pursuant to section 134C-2 (b)(10) and (11), HRS:

One representative from a group that advocates for stricter gun safety laws; and

One representative from a firearm advocacy group.

III. Activities of the GVVCC

The GVVCC conducted one commission meeting and three Permitted Interaction Group (PIG) meetings. The following is a summary of the presentations and discussions.

At its October 18, 2023, meeting, the commission:

- (1) Reviewed and approved the June 6, 2022, GVVCC meeting minutes.
- (2) Received reports from the Permitted Interaction Groups, as follows:
 - (A) Data Permitted Interaction and Sharing Data Group, July 7, 2023, Reporter Dr. Erin E. Harbinson. This permitted interaction group surveyed the city and county police departments to understand the landscape of violent crimes and to determine how the arrest data is collected to assess crime rates. The survey (Attachment A) showed that:
 - (i) Not every agency collects or shares the same data;
 - (ii) Arrest information is one of the most important sources for understanding violent crime;
 - (iii) There are different ways to define violent crime categories at a local level; and
 - (iv) People have different interpretations of what constitutes violent crimes.
 - (B) Research Projects and Research Funding Group—two meetings, November 2, 2022, and July 11, 2023, Reporter Dr. Denise Eby Konan. This permitted interaction group discussed the need to define gun violence and standardize data collection and identifiers. The PIG learned that agencies do not have the same record management systems, which results in inconsistent data collection and reporting. The PIG presented the 2022 Research Projects and Research Funding Annual Report (Attachment B). The purpose of the report was to attempt to identify where and what research is currently available. Five main research areas were identified:
 - (i) Firearms registration and reporting: whether there is a nexus between the presence of guns and public safety;
 - (ii) Understanding the presence of ghost guns in our community: potential expansion of ghost guns;
 - (iii) Change in conceal, carry, and firearms registration procedures;

- (iv) Increase in juvenile crimes: whether guns were involved; motivations for using the guns; the way guns were obtained; ethnicity, geographics, and gang violence; and
 - (v) Domestic violence: whether there is an increase in domestic violence and demographics most affected.
- (3) Discussed the repeal of chapter 134C, HRS. The Data Working Group established pursuant to Act 157, Session Laws of Hawaii, 2023, consists of the same members as the GVVCC, with the same goals related to data, such as how the data is obtained, who has the data, where the data is maintained, what data is missing, how the data can be used to increase public safety.

Having multiple groups working simultaneously towards the same goals raises the concern that resources are being wasted because of the significant crossover of responsibilities of these groups. The GVVCC agreed that merging the GVVCC with the Data Sharing Group and including other agencies and public interest groups makes sense. The consensus of GVVCC was to propose legislation to repeal chapter 134C, HRS.

IV. Accounting of Expenditures

The Office Assistant IV position to assist the GVVCC in operations and research projects was filled on August 1, 2023.

V. Proposed Legislation

Propose legislation for the 2024 Legislative Session to repeal chapter 134C, HRS.