
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. The legislature finds that the Hawaii Penal
2 Code is the fundamental document by which the State addresses
3 crime. It is imperative that such an important part of state
4 law receives full and deliberate attention from time to time to
5 ensure the Code's continued force and effectiveness.

6 Since the Hawaii Penal Code was enacted in 1972, there have
7 been four significant reviews of the Code by means of:

- 8 (1) Act 291, Session Laws of Hawaii 1983, which resulted
9 in the enactment of many of the committee on penal
10 code revision and reform of the judicial council of
11 the Hawaii supreme court's recommendations as Act 314,
12 Session Laws of Hawaii 1986;
- 13 (2) Act 284, Session Laws of Hawaii 1993, which did not
14 result in legislative action on the recommendations of
15 the committee on penal code review;
- 16 (3) Act 125, Session Laws of Hawaii 2005, which led to
17 enactment of many of the committee on penal code



1 review's recommendations as Act 230, Session Laws of
2 Hawaii 2006; and

3 (4) House Concurrent Resolution No. 155, S.D. 1, Regular
4 Session of 2015, which led to the enactment of Act
5 231, Session Laws of Hawaii 2016.

6 The legislature concludes that it is time for another
7 review. The purpose of this Act is to require the judicial
8 council to conduct another comprehensive review of the Hawaii
9 Penal Code to be completed no later than forty days prior to the
10 convening of the regular session of 2026.

11 SECTION 2. The judicial council, as established pursuant
12 to section 601-4, Hawaii Revised Statutes, through an advisory
13 committee on penal code review, shall conduct a comprehensive
14 review of the Hawaii Penal Code and recommend to the legislature
15 necessary amendments to ensure:

16 (1) That the Hawaii Penal Code is consistent and
17 proportional across the various types and classes of
18 offenses;

19 (2) That the Hawaii Penal Code is aligned with national
20 best practices and based upon evidence-based
21 strategies;



- 1 (3) That grades and punishment are appropriate and
2 proportionate to other sentences imposed for criminal
3 or civil offenses and are cost-effective in deterring
4 crime, reducing recidivism, and providing restitution
5 to victims in a manner that provides equal justice and
6 punishment regardless of socioeconomic class or
7 ethnicity;
- 8 (4) That the response of the criminal justice system to
9 mentally ill offenders is appropriate to the
10 situation; and
- 11 (5) The continued force, effectiveness, and enforcement of
12 the Hawaii Penal Code.

13 SECTION 3. (a) No later than September 1, 2024, the
14 judicial council shall appoint an advisory committee on penal
15 code review. The advisory committee shall include the following
16 members:

- 17 (1) Representatives of the judiciary;
- 18 (2) A member of the senate standing committee on
19 judiciary;
- 20 (3) A member of the house of representatives standing
21 committee on judiciary and Hawaiian affairs;



- 1 (4) The attorney general, or the attorney general's
2 designee;
- 3 (5) A representative of the office of the public defender;
- 4 (6) The administrator of the office of Hawaiian affairs,
5 or the administrator's designee;
- 6 (7) A representative of the department of corrections and
7 rehabilitation;
- 8 (8) A representative of the department of law enforcement;
- 9 (9) The governor's senior advisor for mental health and
10 the justice system;
- 11 (10) The prosecuting attorney of each county, or each
12 prosecuting attorney's designee; and
- 13 (11) A representative of the police department of each
14 county, at least one of which shall be in a role that
15 focuses on mental health.
- 16 (b) The following members shall be invited by the judicial
17 council to participate on the advisory committee:
- 18 (1) Representatives from citizen participation bodies,
19 such as neighborhood boards;
- 20 (2) Private citizens interested in criminal law and civil
21 liberties;



1 (3) Hawaii-licensed attorneys in private practice who
2 handle criminal cases;

3 (4) Representatives from advocacy groups for incarcerated
4 individuals;

5 (5) Representatives from advocacy groups for crime
6 victims;

7 (6) Psychologists or social workers; and

8 (7) Any other members the judicial council deems
9 necessary.

10 (c) The members of the advisory committee shall serve
11 without compensation but shall be reimbursed for expenses,
12 including travel expenses, necessary for the performance of
13 their duties.

14 (d) The advisory committee shall submit a report of its
15 findings and recommendations, including any proposed
16 legislation, to the legislature no later than forty days prior
17 to the convening of the regular session of 2026.

18 SECTION 4. The judicial council may appoint a reporter for
19 the review and other research and clerical staff, as may be
20 necessary, without regard to chapter 76, Hawaii Revised
21 Statutes. In selecting the reporter and research and clerical



1 staff, the judicial council is urged to use, to the greatest
2 extent possible, the faculty and students of the university of
3 Hawaii at Manoa William S. Richardson school of law.

4 SECTION 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$10,000 or so much
6 thereof as may be necessary for fiscal year 2024-2025 for the
7 purposes of this Act.

8 The sum appropriated shall be expended by the judiciary for
9 the purposes of this Act.

10 SECTION 6. This Act shall take effect on July 1, 2024.



H.B. NO. 1953
H.D. 1
S.D. 2
C.D. 1

Report Title:

Penal Code Review; Judicial Council; Advisory Committee;
Appropriation

Description:

Requires the Judicial Council to conduct a comprehensive review of the Hawaii Penal Code and to recommend proposed changes. Requires the Judicial Council to appoint an advisory committee to assist in the review, and allows the Judicial Council to also appoint a reporter and other staff as necessary. Requires the advisory committee to report to the Legislature. Appropriates funds. (CD1)

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

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