

ACT 16

S.B. NO. 4

A Bill for an Act Relating to a Crime Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that crime in its various manifestations, affects virtually every person in the State, in one way or another. The far-reaching consequences of crime find expression in creating unease and fear among the residents and businesses of the State, unknown measures of distrust among citizens towards both the public and private sectors, feelings of isolation and helplessness in meeting the very real possibility of being victim of a crime, and frustration in dealing with a system which may not be meeting the real crisis of crime.

These types of results are not easily dispelled, nor easily recognized, nor readily quantifiable. Therefore, in the interest of securing public input and opinion to better meet the needs of the State in combatting all types of criminal activity within the State, establishment of a broad-based body, representative of the residents of the State, is a matter of compelling state interest so that the residents of the State can help to achieve, and be provided with a social environment with minimal prospects of criminal activity.

The legislature further finds that the well-being of the residents of the State depends upon maintaining a level of security of the people in their communities sufficiently high to encourage not only confidence in the communities but sufficient to facilitate further development of the communities.

The purpose of this Act is to provide a mechanism for citizen input into governmental activities with regard to crime, through systematic and thoughtful development of new program, review of ongoing programs, investigation, public education, and legislative recommendation functions, to be performed by a crime commission.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER HAWAII COMMISSION ON CRIME

Sec. -1 Definitions. As used in this chapter, unless the context clearly requires otherwise:

“Commission” means the Hawaii commission on crime established by this chapter.

“Executive committee” means the executive committee of the Hawaii commission on crime established by section -4.

Sec. -2 Hawaii commission on crime. (a) For an eighteen-month period commencing on July 1, 1977 and ending on December 31, 1978, there is established within the office of the lieutenant governor, for administrative purposes, the Hawaii commission on crime.

(b) The commission shall be composed of eleven members, to be appointed by the governor, with the advise and consent of the Senate, and to serve an eighteen-month term. The members shall be representative of the population of the State. The lieutenant governor shall serve as chairman of the commission, and shall not be counted in the eleven-member limit.

(c) The members of the commission shall not be compensated for their services but shall be reimbursed for reasonable expenses necessary to the performance of their duties, including travel expenses.

(d) The governor may remove or suspend for cause any member of the commission after due notice and public hearing conducted subject to chapter 91.

Sec. -3 Hawaii commission on crime, executive officer, staff. The lieutenant governor shall serve as the executive officer of the commission, and shall be vested with responsibility for the administrative function of the commission. There shall be such additional necessary staff to carry out the

functions of the commission, who shall be hired by and serve at the pleasure of the executive officer, without regard to chapters 76 and 77. The persons so hired shall be entitled to participate in any employee benefit plan normally inuring to civil service employees, but shall not be considered civil service employees.

Sec. -4 Committees. (a) There shall be an executive committee of the commission which shall consist of two persons who shall be elected by the commission from among its members. It shall include, in addition, the chairman of the commission, and shall develop and identify general areas for commission study and review, and generally direct the work and activities of the commission.

(b) There shall be, in addition, other special and standing committees of the commission which shall address specific areas or tasks as assigned by the executive committee or by other agreement of the commission.

Sec. -5 Commission, functions. The commission shall have the following functions and shall perform the following duties:

- (1) Develop, recommend, and where appropriate, implement public education programs relating to educating the public as to the nature of crime;
- (2) Develop, recommend, and where appropriate, implement programs of public education to provide defensive living education to the public, and information regarding affirmative steps which may be taken to avoid occurrence of crime, eliminate the possibility of becoming a victim of crime, and other information designed to defend against any aspect of crime;
- (3) Review and make recommendations regarding the operations of existing programs, agencies, and other projects relating to crime, including but not necessarily related to the courts, police, and prosecutorial agencies;
- (4) Review and make recommendations regarding existing substantive laws, procedures, and practices in relation to criminal matters or procedures, and the justice systems;
- (5) Study and make recommendations for facilitating the reduction and prevention of destruction of public property, school violence, business, and other white collar crimes, and criminal activity;
- (6) Study, develop, and make recommendations for the protection of the community, including name check systems for businesses, and other measures designed to protect individuals and the State from crime and direct and indirect criminal influence;
- (7) Report, to the legislature prior to the convening of the 1978 legislative session, on its activities of the preceding year and on a program of action for the year 1978;
- (8) Hold public hearings; and
- (9) Perform other functions and duties necessary to carry out the procedures established in Sec. -6 of this chapter.

Sec. -6 Conduct of business, procedures. Except where specifically otherwise provided by this chapter, the business and activities of the commission shall be conducted consistent with chapters 91 and 92. The commission shall

possess all powers conferred under such chapters, including the power to subpoena persons and any documents whatsoever. The subpoena power shall be exercised by the chairman of the commission, and such other person as he shall designate therefor.

Sec. -7 Rules. The commission may adopt, amend, or repeal rules it deems necessary for the performance of its functions and the implementation of the intent of this chapter. The rules shall be adopted in accordance with chapter 91."

SECTION 3. Section 103-3, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 103-3 Employment of attorneys. No department of the State other than the attorney general, shall make any expenditure of public funds for the employment or retention by contract or otherwise of any attorney for the purpose of representing the State or such department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply:

- (1) To the Hawaii housing authority or the public utilities commission;
- (2) To any court or judicial or legislative officer of the State;
- (3) To the legislative reference bureau;
- (4) To such compilation commission as may be constituted from time to time;
- (5) To the real estate commission in any action involving the real estate recovery fund
- (6) To the Hawaii commission on crime;
- (7) In the event the attorney general, for reasons deemed by him good and sufficient, declines such representation or counsel, or approves such department's expenditures; provided the governor thereupon waives the provision of this section.

For the purpose of this section the term "department of the State" means any department, board, commission, agency, bureau, or officer of the State.

Every attorney employed by any department on a full time basis shall become a deputy attorney general."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, for the purposes of this Act, including the hiring of necessary staff, to be expended by the office of the lieutenant governor.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 1977.)

*Edited accordingly.