

A Bill for an Act Relating to the Hawaii Crime Commission.

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

SECTION 1. Section 843-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 843-2 Hawaii Crime Commission.** (a) For a twelve-month period commencing July 1, 1980, and ending on June 30, 1981, the presently existing Hawaii crime commission shall remain in existence as established in the office of the lieutenant governor, for administrative purposes only.

Commencing on July 1, 1981, there is established within the office of the lieutenant governor, for administrative purposes only, the Hawaii crime commission. This commission shall have its existence terminated, if not renewed by the legislature, on January 30, 1984.

(b) The commission shall be composed of nine members, all of whom shall be appointed by the governor, with the advice and consent of the senate. The term for each member shall be from July 1, 1981, through January 30, 1984. The governor shall appoint a chairman with the advice and consent of the senate. All vacancies on the commission shall be filled for the unexpired term by the governor, with the senate's advice and consent. A vacancy in the chairman's position shall be filled by the governor in the same manner as an initial appointment. The commission, by a two-thirds vote may initiate the removal or suspension of the chairman from office, but only for neglect of duty, misconduct, or disability. The governor shall act upon the

vote of the commission to remove or suspend the chairman. The chairman shall have the power to vote only in the event of a tie vote.

(c) Each nominee appointed by the governor shall undergo security screening by the attorney general. The attorney general shall obtain each nominee's "criminal history record information," as defined in section 846-1(3), and provide such information to the governor and the senate.

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

(e) The governor may remove or suspend for cause any member of the commission except the chairman after due notice and public hearing conducted under chapter 91.

(f) The commission may receive and use gifts, money, services, or assistance from any federal, state, county, or private source for the implementation of the purposes of the Hawaii crime commission."

SECTION 2. Section 843-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 843-3 Hawaii crime commission, chairman, staff.** The chairman shall serve as the executive officer of the commission, and shall be vested with responsibility for the administrative function of the commission and shall authorize preliminary inquiry into research, investigation incident to research, and other projects. The chairman shall be compensated at the rate of \$75 a day for each day's actual attendance at a meeting and each day during which he spends four or more hours on commission business. 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 chairman 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. This provision shall not affect the right of the chairman or commission to contract independently for services."

SECTION 3. Section 843-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 843-5 Commission, functions.** The commission shall have the following functions and shall perform the following duties:

- (1) Research and collect information regarding crime in Hawaii;
- (2) Investigate incident to research in order to study crime, criminal activity, and the operation of the criminal justice system;
- (3) Evaluate 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;
- (5) Develop, recommend, and where appropriate, implement public education programs relating to educating the public as to the nature of crime;
- (6) 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 the occurrence of crime, eliminate the possibility of becoming a victim of crime, and other information designed to defend against any aspect of crime;

- (7) 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;
- (8) 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;
- (9) Report, to the legislature prior to the convening of each legislative session, on its activities of the preceding year and on a program of action for the coming year;
- (10) Hold public and closed hearings;
- (11) Receive, manage, and tender funds for rewards for apprehension and conviction of criminals; and
- (12) Perform other functions and duties necessary to carry out the procedures established in section 843-6."

SECTION 4. Section 843-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 843-6 Conduct of business, procedures.** (a) 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 as set forth in subsection (c).

(b) The commission may hold closed hearings when matters are to be considered which, if made public, may threaten the effectiveness of a study of criminal activity or of the criminal justice system; provided that all other meetings or hearings shall be otherwise conducted in accordance with chapters 91 and 92.

(c) In performing the functions and duties under this chapter, the commission is empowered to subpoena witnesses as allowed by rules of court upon subpoena signed by the chairman or acting chairman. The subpoena pursuant to section 92-16 shall be served in the same manner, and the witnesses subpoenaed shall be entitled to the same witness fees, as in the case of a witness subpoenaed to testify before a circuit court. Any circuit court upon the written application of the chairman or acting chairman of the commission shall have power to enforce obedience to the subpoena by contempt proceedings. The chairman or acting chairman may administer oaths to witnesses and require the testimony of such witnesses on matters germane to the subject under inquiry at the hearing. Any party to the hearing upon request shall be allowed to be represented by counsel and be allowed reasonable rights of examination and cross-examination of witnesses. Any false swearing by a witness at the hearing upon any material issue or matter shall constitute perjury, and be punishable as such.

(d) Agencies of the state and county governments shall cooperate with the commission to the extent necessary for the commission to perform its duties."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 6. This Act shall take effect on July 1, 1981; provided that the first paragraph of section 843-2(a) of SECTION 1 shall take effect upon its approval; and provided further that the provision for the appointment of the chairman and members of the commission as set out in section 843-2(b) and 843-2(c) of SECTION 1 shall take effect upon its approval, but the members of such commission shall not assume office until July 1, 1981.

(Approved May 28, 1980.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.