

ACT 267

S.B. NO. 2432

A Bill for an Act Relating to a Sentencing Simulation Model.

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

SECTION 1. The legislature finds that for the past twenty years, expansion of the correctional system has failed to keep pace with the increase in the number of inmates. The proposed new 2,300-bed prison barely provides the number of beds necessary to meet today's inmate population needs, let alone the number anticipated by the projected opening in 2002. The combined jail and prison population in Hawaii grew from 2,284 on June 30, 1989, to 4,729 on June 30, 1999, a 107 percent increase. Alternatives to incarceration, which can provide cost-effective means of sentencing some convicted defendants, are equally overburdened.

The legislature further finds that an accurate profile of existing convicted defendants and the development of tools to predict future criminal offender populations are essential to the efficient management of limited correctional and alternative resources. In addition, implementation of criminal justice initiatives like "truth-in-sentencing" requires accurate information and forecasting. Thus, the legislature agrees that the goals of effective sentencing and control of spiraling correctional costs can best be accomplished through the establishment of a sentencing simulation model. The simulation model will provide the legislature and the law enforcement community with the necessary tools to forecast prison populations and ensure efficient allocation of the existing and proposed resources for all convicted defendants. These resources include not only prison beds, but alternatives to incarceration (e.g., probation, drug courts, and other diversionary programs) and community-based programs.

Of equal importance, the simulation model will permit an assessment of the impact of current and proposed sentencing policies, including truth-in-sentencing and other initiatives, on existing correctional system and community resources. It will permit officials to use different combinations of criminal justice indicators, such as crime rates, convictions, prison populations, juvenile crime, and other actual objective data to project the impact of proposed policy changes on Hawaii's resources. Sentencing simulation models in other jurisdictions have demonstrated high accuracy raters for their projections—variances have been well below two percent. The modeling capability will allow legislators and other criminal justice and correc-

tions officials to propose more meaningful and effective criminal justice and correctional initiatives.

Establishment of a sentencing simulation model is at least a two-step process. The first step requires the consolidation of data presently maintained in separate databases by the attorney general, the judiciary, and the department of public safety. Tasks that must be completed in the first step include:

- (1) Gathering current data about the State's prison, probation, parole, and community-based criminal defendant populations;
- (2) Establishing a centralized computer-based criminal defendant population database; and
- (3) Establishing a computerized network for maintaining the centralized database, including direct connectivity among the components of the criminal justice and correctional systems, to assure that the centralized database is current and accurate.

The second step requires the development of computer modeling techniques that use information in the centralized criminal defendant population database, and project the impact of different sentencing policies and proposals on future criminal justice and correctional populations.

The legislature further finds that the governor's committee on crime recommended that the Edward Byrne memorial state and local law enforcement assistance formula grant program award the department of public safety \$122,130 to develop, implement, and operate a sentencing simulation model. The Edward Byrne memorial state and local law enforcement assistance formula grant program is a federal grant program that provides funding for state and local law enforcement agencies. It has pledged \$122,130 to the department of public safety for creating a sentencing simulation model, provided the State commit \$71,018 towards the sentencing simulation model.

SECTION 2. In conjunction with the corrections population management commission's responsibility to recommend cost-effective mechanisms, legislation, and policies to control over crowding of correctional facilities, and the requirement that such recommendations include estimates of fiscal impact under section 353F-3, Hawaii Revised Statutes, the department of public safety shall establish a sentencing simulation model that includes a centralized computer-based criminal defendant population database, a computerized network for maintaining the centralized database, including direct connectivity among the components of the state's criminal justice and correctional systems to assure that the centralized database's information is current and accurate, and computer modeling techniques that use information in the centralized database to project the impact of different sentencing policies and proposals on future criminal justice and corrections populations and resources.

The establishment of the sentencing simulation model shall include the compilation of data on current populations of convicted defendants in the criminal justice system and in community-based programs, as well as the development of a modeling capability to predict future populations and the impact of criminal justice policy initiatives on those populations. The judiciary and state executive departments with relevant information for the centralized database shall cooperate with the department of public safety in the establishment and maintenance of the sentencing simulation model. Once established, the data from the model shall be available to the legislature and all components of the criminal justice and corrections systems of the state.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$71,018, or so much thereof as may be necessary for fiscal year 2000-2001, to develop, implement, and maintain a sentencing simulation model;

provided that state funds shall be made available under this Act only to the extent that they are matched by federal funds from the Edward Byrne memorial state and local law enforcement assistance formula grant program. The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2000.

(Approved June 20, 2000.)