

ACT 154

H.B. NO. 218

A Bill for an Act Relating to the Corrections Population Management Commission.

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

SECTION 1. House Concurrent Resolution No. 27, H.D. 1 (2009) requested the office of Hawaiian affairs to contract for a study of the disparate representation and treatment of Native Hawaiians in Hawai'i's criminal justice system.

Pursuant to House Concurrent Resolution No. 27, H.D. 1, on September 28, 2010, the office of Hawaiian affairs released the requested study, entitled "The Disparate Treatment of Native Hawaiians in the Criminal Justice System". The study includes ground-breaking current research and analysis, using both quantitative and qualitative methods, and includes the voices of Native Hawaiians about the criminal justice system and the effect it has on their lives.

Act 170, Session Laws of Hawai'i 2011, began the process of addressing the findings and recommendations of the disparate treatment study. Act 170 established a task force to formulate policies and procedures to eliminate the disproportionate representation of Native Hawaiians in Hawai'i's criminal justice system, by looking for new strategies to reduce or avoid unnecessary involvement of these individuals with the criminal justice system. The task force debated issues and held summits throughout the pae 'āina to hear from the community on the best ways to reduce the disproportionate representation of Native Hawaiians in the criminal justice system.

In 2012, the task force submitted to the legislature a report entitled "The Native Hawaiian Justice Task Force Report", containing the task force's findings and recommendations. Among other things, the task force report recommends continuing the work of the task force by having a person or persons further examine the issue of the disproportionate number of Native Hawaiians in the criminal justice system. The legislature finds that the corrections population management commission, which is administratively attached to the department of public safety, is an appropriate agency to conduct this examination, because the commission is devoted to finding solutions to improve Hawai'i's criminal justice system.

The purpose of this Act is to:

- (1) Add two members to the corrections population management commission in order to enhance its capacity to examine the issue of the disproportionate number of Native Hawaiians in the criminal justice system; and
- (2) Specify the background and appointment process for these additional members.

SECTION 2. Section 353F-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The corrections population management commission shall consist of ~~[eleven]~~ thirteen members. The state attorney general, the director of public safety, the administrator of the office of Hawaiian affairs, a representative of the county departments of the prosecuting attorney to be selected by the prosecuting attorneys, the state public defender, the chairperson of the ~~[Hawaii]~~ Hawai'i paroling authority, the president of the senate, and the speaker of the house of representatives, or their designated representatives, shall be members of the commission. The chief justice of the ~~[Hawaii]~~ Hawai'i supreme court shall appoint one judge and one adult probation administrator of the judiciary as members of the commission. The governor shall appoint one member from the private sector who is knowledgeable on issues pertaining to reintegrating offenders into the community~~[-]~~ and one member from the public who is knowledgeable on issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices. Additionally, the chairperson of the ~~[Hawaii]~~ Hawai'i paroling authority shall appoint one rehabilitated offender, who is knowledgeable on issues pertaining to reintegrating offenders into the community, as a member of the commission."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 2013.)