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1ST CIRCUIT COURT  
STATE OF HAWAII  
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and Common Cause*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF  
HONOLULU and COMMON CAUSE,

Plaintiffs,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC  
(Other Civil Action)

PLAINTIFFS' CROSS-MOTION FOR  
SUMMARY JUDGMENT; COMBINED  
MEMORANDUM OF LAW IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT AND IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT; DECLARATION OF  
R. BRIAN BLACK; EXHIBITS 1-23;  
NOTICE OF HEARING; and  
CERTIFICATE OF SERVICE

HEARING MOTION

JUDGE: Honorable Gary W. B. Chang

TRIAL DATE: NONE

HEARING DATE: December 5, 2018

HEARING TIME: 3:00 p.m.

**PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiffs League of Women Voters of Honolulu and Common Cause move this Court to grant summary judgment pursuant to Rules 7, 56, and 57 of the Hawai'i Rules of Civil Procedure. The motion is supported by the legal authorities, arguments, and facts provided in the accompanying memorandum, declaration, and exhibits; and the files and records herein.

Defendant State of Hawai'i violated article III, sections 14 and 15 of the Hawai'i Constitution when enacting Act 84 (2018). The bill that became Act 84—S.B. 2858—was introduced in the Legislature as a bill to improve reporting by the Department of Public Safety. The title of the bill "relating to public safety" was too broad and amorphous to fairly apprise a reasonable person regarding the subject matter of the bill, in violation of article III, section 14 of the Hawai'i Constitution. And late in the legislative process, the House struck the original subject of the bill and replaced its entire contents with a bill about hurricane shelters. The new content was not germane to the original bill about departmental reporting. In violation of article III, section 15 of the Hawai'i Constitution, the Legislature did not restart the three readings process after the non-germane amendments, and the hurricane shelter bill had only one reading in the Senate before enactment as Act 84.

Plaintiffs respectfully request that this Court grant summary judgment and declare that the process for enacting Act 84 violated article III, sections 14 and 15 of the Hawai'i Constitution and that Act 84 thus is void.

DATED: Honolulu, Hawai'i, October 25, 2018



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COMBINED MEMORANDUM OF  
LAW IN SUPPORT OF PLAINTIFFS'  
CROSS-MOTION FOR SUMMARY  
JUDGMENT AND IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

**COMBINED MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS'  
CROSS-MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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The Hawai'i Constitution sets the minimum process required for legislative enactments. That minimal process ensures that the public **and** legislators have a meaningful opportunity to understand proposed changes to existing law before a bill's passage. A bill's title must appropriately reflect the subject of the legislation, and that bill must pass three readings in each house of the Legislature.

Defendant State of Hawai'i (State) did not follow this minimal process when enacting Act 84 (2018). The State used an inappropriately vague bill title as an excuse for gutting Senate Bill 2858 (S.B. 2858) and replacing its contents with an entirely unrelated subject. The newly reimagined version of S.B. 2858 never passed three readings in the Senate.

Over two thousand bills are introduced every year. The Hawai'i Constitution recognizes that it is unreasonable to expect members of the community to read thousands of pages of legislative content every year to determine which bills, if any, impact their interests. And it is all the more unreasonable to require the public to constantly monitor every bill because the purpose and effect of the proposed legislation could radically change any day before the Legislature adjourns.

Plaintiffs League of Women Voters of Honolulu (League) and Common Cause have struggled for years to explain to the State the fundamental danger of gut-and-replace tactics to democracy. Circumventing the constitutionally required process ignores the role of transparency and public participation when enacting legislation. Plaintiffs thus seek an order declaring that the process for enacting Act 84 violated the Hawai'i Constitution and that the Act therefore is void.

## **I. STATEMENT OF FACTS**

### **A. The Community Reentry Reporting Bill: Three Readings in the Senate and One Reading in the House**

On January 24, 2018, the Senate introduced S.B. 2858, entitled "A Bill for an Act Relating to Public Safety." Decl. of R. Brian Black, dated October 25, 2018 (Black Decl.), Ex. 1. As originally introduced, S.B. 2858 required the Department of Public Safety to

prepare an annual report with performance indicators regarding community reentry efforts to improve recidivism rates and inmate rehabilitation. *Id.*

On January 24, 2018, S.B. 2858 passed its first reading in the Senate. *Id.* Ex. 2 at 10. The community reentry reporting bill had its first hearing on February 6, 2018, before the Senate Committee on Public Safety, Intergovernmental, and Military Affairs (PSM). *Id.* Ex. 3. PSM recommended that the bill be passed with amendments to include information about pretrial detainees in the Department's annual report. *Id.* Ex. 4. On February 9, 2018, PSM reported its proposed amendments to the Senate, and S.B. 2858 passed its second reading in the Senate as amended (S.D. 1). *Id.* Ex. 5 at 11 & Ex. 6.

On February 23, 2018, S.B. 2858 moved to its next hearing before the Senate Committee on Ways and Means (WAM). *Id.* Ex. 3. WAM recommended that S.B. 2858 be passed with clarifying amendments about the Department's annual reports. *Id.* Ex. 7. On March 6, 2018, WAM reported to the Senate its proposed amendments, and the community reentry reporting bill passed its third reading in the Senate as amended (S.D. 2). *Id.* Ex. 8 at 43 & Ex. 9. On March 8, 2018, after crossover from the Senate, that bill passed its first reading in the House. *Id.* Ex. 10 at Add. c. & Ex. 11 at 12.

At that point, the community reentry reporting bill had passed three readings in the Senate with germane amendments made after two committee hearings and had passed one reading in the House. Numerous individuals and organizations had testified in support of the bill, including the ACLU, Hawai'i Justice Coalition, Young Progressives Demanding Action, the Community Alliance on Prisons, the Democratic Party's O'ahu County Committee on Legislative Priorities, the Office of Hawaiian Affairs, and the Department of Public Safety. *Id.* Ex. 12

#### **B. The Hurricane Shelter Bill: Three Readings in the House and One Reading in the Senate**

On March 15, 2018, the House Committee on Public Safety (PBS) held a hearing on S.B. 2858. *Id.* Ex. 3. Testifiers provided PBS comments regarding the community reentry reporting bill. *Id.* Ex. 13. PBS, however, recommended deleting S.B. 2858's content and replacing it with provisions that would require the design of all new State buildings to include hurricane shelter space. Instead of a report on inmate recidivism

and rehabilitation, the draft bill recommended by PBS, SB 2858 H.D. 1, became about requiring the design of all new State buildings to include hurricane shelter space. *Id.* Ex. 14.

On March 21, 2018, PBS reported its recommendation to the House. *Id.* Ex. 15 at 4. The House amended S.B. 2858 according to the PBS recommendation, and the hurricane shelter bill had its first reading in the House (H.D.1). *Id.* & Ex. 16. Only the title “Relating to Public Safety” remained the same. *Compare id.* Ex. 9, with Ex. 16.

On March 28, 2018, the House Committee on Finance (FIN) held a hearing on the hurricane shelter bill. *Id.* Ex. 3. This was the first and only chance for the public to testify concerning the hurricane shelter version of S.B. 2858. *Id.* Ex. 17. The Office of Hawaiian Affairs and Young Progressives Demanding Action offered testimony asking legislators to revert the bill to its original subject about community reentry reports. *Id.* FIN recommended passing the hurricane shelter bill unamended. *Id.* Ex. 18. On April 6, 2018, FIN reported its recommendation to the House, and the hurricane shelter bill passed its second reading in the House. *Id.* Ex. 19 at 7.

On April 26, 2018, the appointed conference committee recommended amendments to the hurricane shelter bill version to only require that the State consider hurricane resistance criteria when designing new schools. *Id.* Ex. 20. On May 1, 2018, the House adopted the recommendation of the conference committee, and the hurricane shelter bill passed its third reading in the House. *Id.* Ex. 21 at 10. The same day, the Senate adopted the recommendations of the conference committee, and the hurricane shelter bill passed its first reading in the Senate. *Id.* Ex. 22 at 23. S.B. 2858 became law, on June 29, 2018, when signed by the Governor as Act 84. *Id.* Ex. 23.

## **II. STANDARDS OF REVIEW**

The standard of review on a motion for summary judgment is well-settled:

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A fact is material if proof of that fact would have the effect of establishing or refuting one of the essential elements of a cause of action or defense asserted by the parties. The evidence must be viewed in the light most



favorable to the non-moving party. In other words, [this court] must view all of the evidence and the inferences drawn therefrom in the light most favorable to the party opposing the motion.

*Kamaka v. Goodsill Anderson Quinn & Stifel*, 117 Hawai`i 92, 104, 176 P.3d 91, 103 (2008).

In cases that challenge the constitutionality of legislation, the constitutional standards are mandatory, and any violation renders the enactment void. *Schwab v. Ariyoshi*, 58 Haw. 25, 31, 564 P.2d 135, 139 (1977). But “every enactment of the legislature is presumptively constitutional, and a party challenging the statute has the burden of showing unconstitutionality beyond a reasonable doubt.” *Id.* “The infraction should be plain, clear, manifest, and unmistakable.” *Id.*

### III. ARGUMENT

Act 84 crossed the line. It is rare that courts need enforce the bare minimum legislative process required by the Hawai`i Constitution. But the violations here are clear. Act 84 did not have three readings in the Senate as required by article III, section 15. While the Legislature may make germane amendments to bills without restarting the readings process, the hurricane shelter amendments were wholly unrelated to the original subject of S.B. 2858.

And Act 84’s title violated article III, section 14 because it failed to reflect the subject of the legislation. Titles may be broad, but cannot be so vague that it fails to apprise the reader of the bill’s subject and tends to conceal or obscure the purpose and effect of the proposed legislation. “Relating to public safety” tells the reader nothing about the anticipated change in the law and, as reflected in Act 84’s history, could mean anything from prison reports to school building designs. The Hawai`i Constitution requires more specificity.

#### A. Act 84 Did Not Pass Three Readings in the Senate.

1. *The three readings requirement ensures full debate of legislation and its consequences in each house.*

Article III, section 15 of the Hawai`i Constitution provides in relevant part: “No bill shall become law unless it shall pass three readings in each house on separate days.” “The three-reading requirement not only provides the opportunity for full

debate; it also ensures that each house of the legislature has given sufficient consideration to the effect of the bill.” *Taomae v. Lingle*, 108 Hawai‘i 245, 255, 118 P.3d 1188, 1198 (2005). The 1950 Constitutional Convention recognized the benefit of three readings in the Legislature:

One of the necessary features of laws adopted by the legislature is the necessity for three readings and the opportunity for full debate in the open before committees and in each House, during the course of which the purposes of the measures, and their meaning, scope, and probable effect, and the validity of the alleged facts and arguments given in their support can be fully examined, and if false or unsound, can be exposed, *before* any action of consequence is taken thereon.

Stand. Comm. Rep. No. 47 in 1 Proceedings of the Constitutional Convention of Hawai‘i of 1950 at 184.

The three readings requirement arises from a historical tradition in constitutional law.<sup>1</sup> This tradition further emphasizes the importance of three readings to provide the public and legislators an opportunity to comment on proposed legislation. *E.g.*, 1 Norman J. Singer & J.D. Shambie Singer, *Sutherland on Statutes and Statutory Construction* [Sutherland] § 10:4 at 546 (7th ed. 2010) (“The practice of having bills read on three different days also serves to provide notice that a measure is progressing through the enacting process, enabling interested parties to prepare their positions.”). “That it has such a purpose, that it is designed to prevent hasty and improvident legislation, and is therefore not a mere rule of order, but one of protection to the public interests and to the citizens at large, is very clear.” 1 Thomas Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union*, [Cooley] at 288 n.1 (Walter Carrington ed., 8th ed. 1927); *accord* 1 Sutherland § 10:4 at 547 (“Reading requirements are supposed to facilitate informed and meaningful deliberation on legislative proposals, and refinement and modification of the text of a proposal is the natural and desirable product of deliberation.”).

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<sup>1</sup> A version of the three readings provision first appeared in article 64 of the 1894 Constitution of the Republic of Hawai‘i.

In *Taomae*, the Hawai'i Supreme Court held that the Legislature's enactment failed the three readings requirement.<sup>2</sup> 108 Hawai'i at 255, 118 P.3d. at 1198. In that case, a bill originated in the House to define by statute the standard for a jury to find "continuous sexual assault" in a criminal case. *Id.* at 248-49, 118 P.3d at 1191-92. After three readings in the House, the bill crossed over to the Senate and had its first reading. *Id.* at 248, 118 P.3d at 1192. Concerned that the bill would not be effective without a constitutional amendment, the Senate amended the bill at second reading to propose a constitutional amendment to grant the Legislature the power to define continuous sexual assault. *Id.* The constitutional amendment bill passed a second reading (a third reading of the bill number) in the Senate, before being sent back to the House. *Id.* The House eventually agreed with the amendments and passed the constitutional amendment bill on its first and only reading before the House. *Id.* The Hawai'i Supreme Court explained that after being modified to include the constitutional amendment, the bill did not pass three readings in both houses. *Id.* at 254, 118 P.3d at 1197. The court voided the act because the proposed constitutional amendment "received only three readings *in total*," not the three readings in each house as required by article III, section 15. *Id.* at 254-55, 118 P.3d at 1197-98.

As in *Taomae*, the State failed to satisfy the three readings requirement when enacting Act 84. In both instances, the fundamental nature of the bill changed on second reading after crossover to the non-originating house. The hurricane shelter bill here—like the constitutional amendment bill in *Taomae*—did not pass three readings in each house.

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<sup>2</sup> The enactment in *Taomae* concerned a proposed constitutional amendment, but the supreme court construed the three readings requirement in article III, section 15 because the same standards apply. Haw. Const. art. XVII, § 3 ("The legislature may propose amendments to the constitution by adopting the same, *in the manner required for legislation . . .*" (emphasis added)).

2. *The hurricane shelter amendments were not germane to the community reentry reporting bill.*

The State does not need to restart the readings every time there is any amendment. *E.g.*, 1 Sutherland § 10:4 at 547 (“[I]t is generally agreed that germane amendments to the text of a bill made at the stage of second or third reading are valid even though the amended version is not read three times on three days.”). However, “if new provisions which are not germane to the text of the original bill are substituted after one or more readings, the new version of the bill cannot be validly enacted without the requisite readings following the substitution.” *Id.* at 547-48. The test is whether the amendments are germane to the original bill. *Id.*; 1 Cooley at 289 (“Where a bill has been read twice and referred to a committee who have reported a substitute, which is so germane to the original bill as to be a proper substitute, such substitute need not be read three times; a single reading will suffice.”); *accord Giebelhausen v. Daley*, 95 N.E.2d 84, 94 (Ill. 1950) (“In order to come within the rule that an amendment need not be read three times in each House, it must be germane to the general subject of the bill as originally introduced.”).

The Territorial Supreme Court adopted the following understanding of germaneness for constitutional analysis of legislation:

Literally, ‘germane’ means ‘akin’, ‘closely allied.’ It is only applicable to persons who are united to each other by the common ties of blood or marriage. When applied to inanimate things, it is, of course, used in a metaphorical sense, but still the idea of a common tie is always present. Thus, when properly applied to a legislative provision, the common tie is found in the tendency of the provision to promote the object and purpose of the act to which it belongs. Any provision not having this tendency, which introduces new subject matter into the act, is clearly obnoxious to the constitutional provision in question.

*Territory v. Kua*, 22 Haw. 307, 313 (Terr. 1914); *accord Giebelhausen*, 95 N.E.2d at 95 (“It is in order, therefore, to examine the language of the original bill to ascertain whether the one finally adopted is the original bill, properly amended, or a substituted bill, dealing with a new subject matter.”).

Under these principles, the hurricane shelter amendments were not germane to the original text of the community reentry reporting bill. Amendments relating to

hurricane shelter construction in state buildings had no relevance — much less a close alliance — to Department of Public Safety reports about inmate community reentry. Therefore, as a new bill after the non-germane amendments, S.B. 2858 needed to restart the required three readings in each house. Because Act 84 did not have three readings in the Senate after the non-germane amendments, Act 84 is a plain, clear, manifest, and unmistakable violation of the three readings requirement of article III, section 15.

**B. “Relating to Public Safety” Is an Unconstitutionally Broad Title.**

Article III, section 14 of the Hawai‘i Constitution provides in relevant part: “Each law shall embrace but one subject, which shall be expressed in its title.”<sup>3</sup> “The purpose of this provision is, first, to prevent *hodge-podge* or *log-rolling* legislation; second, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which the titles give no intimation; and third, to apprise the people of proposed matters of legislation.” *Jensen v. Turner*, 40 Haw. 604, 608 (Terr. 1954); accord 1 Cooley 296; 1A Sutherland § 18:2 at 45 (“The primary purpose of the constitutional requirement that the subject or object of a legislative act be expressed in its title is to insure reasonable notice of the purview to members of the assembly, and to the public.”).

Titles violate the constitution when they are so broad as to become meaningless and conceal or obscure the actual content of the bill.

It may be stated as a general proposition that the expression of subject in the title of an ordinance is sufficient if it calls attention to the general subject of the legislation. It is not necessary that the title refer to details within the general subject, nor those which may be reasonably considered as appropriately incident thereto, and the title is sufficient if it is germane to the one controlling subject of the ordinance. The crucial test of sufficiency of title is generally found in the answer to the question: Does the title tend to mislead or deceive the people or the municipal board as to the purpose or effect of the legislation, or to conceal or obscure the same? If it does, then the ordinance is void; if not, it is valid.

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<sup>3</sup> There are two components to this provision: (1) the single subject requirement; and (2) the subject-in-title requirement. This case concerns the title requirement.

*Territory v. Dondero*, 21 Haw. 19, 25 (Terr. 1912);<sup>4</sup> accord 1A Sutherland § 18:2 at 48-52 (“The general test is whether the title is uncertain, misleading, or deceptive to the average reader. . . . The title to a bill need only indicate the general contents of the act. The title cannot, however, be so general that it tends to obscure the contents of the act.”); 26 Am. & Eng. Encyclopedia of Law at 582 (2d ed. 1904) (“But while generality is not objectionable so long as the subject of the legislation is fairly suggested, yet where the title is so very vague and general as not to furnish any intimation at all of the actual contents of the act, and is therefore calculated to mislead the legislature and the public, it will be declared unconstitutional.”).

Keeping in mind the intent of the title requirement to apprise the public of proposed legislation, titles are unconstitutional if “too broad and amorphous.” 1A Sutherland § 18:2 at 45; see *Jensen*, 40 Haw. at 608; *In re Goddard*, 35 Haw. 203, 208 (Terr. 1939) (“[T]he title must be such as to reasonably apprise the public of the interests that are or may be affected by the statute.” (citing 1 Cooley at 300)). A title is thus too broad and misleading if it fails to put a reasonable person on inquiry notice. *Schwab v. Ariyoshi*, 58 Haw. 25, 34, 564 P.2d 135, 141 (1977) (title constitutional if it “fairly indicates to the ordinary mind the general subject of the act”); 1A Sutherland § 18:2 at 48 (“All that is necessary is that anyone interested in or affected by the subject matter be put on inquiry”); 26 Am. & Eng. Encyclopedia of Law at 580-82 (“But the title must at least give a reasonable intimation of the subject dealt with, and the courts do not hesitate to declare void an act whose title is misleading in that it does not express the real subject of the act so as to put the legislature and those persons who are to be affected thereby on inquiry into its contents.”).

In *Jensen*, for example, the Territorial Supreme Court addressed an act that concerned the use of voting machines and the validity of write-in ballots. 40 Haw. at 605-07. The court explained that both matters theoretically could be expressed by the

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<sup>4</sup> Although *Dondero* concerned the title requirement in the City Charter, the Hawaiʻi Supreme Court has used the same standard for interpreting the Hawaiʻi Constitution. E.g., *Villon v. Marriott Hotel Servs., Inc.*, 130 Hawaiʻi 130, 140 306 P.3d 175, 185 (2013) (citing *Dondero* for interpretation of the constitutional title requirement).

single broad subject of elections. *Id.* at 608. “[Y]et a sweeping change such as contended for, which would make radical changes in both the primary and election laws, should be included in the title to give proper notice to legislators and to the electorate at large.” *Id.*; accord 1A Sutherland at 93 (“[T]he words ‘economic development’ were too broad and amorphous to describe the subject of a pending bill with the precision necessary to provide notice of its contents.”).

Here, “public safety” is worse than the *Jensen* court’s hypothetical “elections” title. The words “public safety” tell the public nothing about the content of S.B. 2858. As reflected in the history of S.B. 2858—changing from a community reentry reporting bill to a hurricane shelter bill—such a title can ostensibly include an unlimited range of topics. The same title has been used in past legislative sessions to cover bills about: shipping container inspections for fireworks (H.B. 7, 2017); establishing a medical marijuana commission to make recommendations about dispensaries (H.B. 2534, 2016); installation of residential fire protection sprinkler systems (S.B. 2170, 2016); prohibiting general contractors from performing the work of a specialty contractor without a license (H.B. 130, 2015); appropriating funds for the repair of a Waikīkī seawall (H.B. 84, 2011); imposing a tort duty on private landowners to inspect and mitigate where there is a potential danger of falling rocks (H.B. 1261, 2003). “Public safety” is so broad that it obscures and conceals the contents of a bill.

Contrary to the State’s suggestion, the advent of the Internet does not change the Hawai’i Constitution. *See* State Mem. at 9. Recently, the Hawai’i Supreme Court acknowledged that “the title of a bill cannot be considered just a ‘remnant’ of the legislative process.” *Villon*, 130 Hawai’i at 140, 306 P.3d at 185. The State’s argument that, because of the Internet, “the public and lawmakers do not need to rely on the title of a bill to ‘assess generally the proposed law’s impact and any interest in the bill’” is not based on any legal authority and relies on a flawed factual assumption—without evidentiary support—that all citizens have access and skills to navigate the Legislature’s website.

Because “public safety” expresses nothing about the subject of the bill, no reasonable person would be on inquiry notice that the bill may interest or affect them.

A member of the public cannot know whether a “public safety” bill concerns fireworks, medical marijuana, seawalls, inmate recidivism, hurricane shelters, or any number of other topics. Public safety is effectively meaningless to the average person and only obscures from the public rather than apprise them as to the contents of the bill. The overly broad title flouts the constitutional intent of the title requirement. Act 84 is a plain, clear, manifest and unmistakable violation of the subject-in-title requirement of article III, section 14.

**C. The Hawai`i Constitution Protects the Role of the General Public in the Legislative Process.**

Fundamental principles of democracy require that the people of Hawai`i have a meaningful opportunity to comment on legislation. Public participation in the legislative process is an important and constitutionally protected right. *E.g., Taomae*, 108 Hawai`i at 253, 118 P.3d at 1196 (“[T]here must be public participation as ordinarily contemplated in the case of statutory legislation.”). The bare minimum of the three readings and title requirements of the Hawai`i Constitution ensure that the public is fairly apprised of the subjects of proposed legislation and has a reasonable opportunity to express a position. *Id.* at 252, 118 P.3d at 1195 (“The titles of those bills provided the public with clear notice concerning the nature and context of the legislation and, thus, alerted the citizenry to the opportunity to legislatively comment and debate those bills in a meaningful way.”). This deliberate collective process among legislators and the public avoids the dangers of rushed and half-baked legislation. *Id.* (“The procedure followed hereunder eliminated the mature deliberation, amendment and compromise usually necessary to produce sound and lasting legislation . . .”).

Last-minute changes also foster public confusion and frustration with the process. The community reentry reporting bill drew testimony from Young Progressives Demanding Action, Community Alliance on Prisons, ACLU, Hawai`i Justice Coalition, Office of Hawaiian Affairs, the Democratic Party, as well as many individuals. Black Decl. Ex. 12. At the only chance for public testimony on the hurricane shelter bill, the testimony from the Office of Hawaiian Affairs and Young Progressives Demanding Action reflected that frustration. Neither organization offered



comment on the hurricane shelter bill, but instead opposed the amendments and requested that the bill revert to its original subject matter. *Id.* Ex. 17.

**D. The Separation of Powers Doctrine Does Not Preclude Judicial Review of Legislation Based on Constitutional Standards.**

The Legislature's power to enact laws is expressly subject to constitutional limitations. Haw. Const. art. III, § 1 ("The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation *not inconsistent with this constitution* or the Constitution of the United States.") (emphasis added); accord *State v. Nakata*, 76 Hawai'i 360, 379, 878 P.2d 699, 718 (1994) (rejecting separation of powers argument because the court "independently determines whether [the Legislature's use of a label with constitutional significance] is justified"). And the courts are the "ultimate interpreters" of the constitution. *E.g.*, *Nakata*, 76 Hawai'i at 370, 878 P.2d at 709 ("Above all is the constitution."); accord *AlohaCare v. Dep't of Human Serv.*, 127 Hawai'i 76, 87, 276 P.3d 645, 656 (2012); see generally *Marbury v. Madison*, 5 U.S. 137, 180, (1803) (laws repugnant to the U.S. Constitution are void). Thus, this Court is empowered to void any legislation that is deficient under any provision of the Hawai'i Constitution. *Id.*

In *Taomae*, the Hawai'i Supreme Court effectively rejected the argument now made by the State here. In that case, Governor Lingle argued that the separation of powers doctrine precluded judicial review of the constitutionality of a legislative enactment. 108 Hawai'i at 256-57, 118 P.3d 1199-1200 ("Defendants' arguments that this is a political, and not judicial, question are unconvincing."). Hawai'i courts have voided legislation based on similar constitutional challenges. *E.g.*, *Territory v. Kua*, 22 Haw. 307, 317 (Terr. 1914); *Territory v. Furubayashi*, 20 Haw. 559 (Terr. 1911). And in numerous other cases, courts considered challenges to the constitutional sufficiency of a bill's title. *E.g.*, *Villon*, 130 Hawai'i at 140, 306 P.3d at 185; *Schwab*, 58 Haw. at 30, 564 P.2d at 139. No Hawai'i case has ever held that a challenge to legislation based on the three readings or title requirements of the Hawai'i Constitution was nonjusticiable.

The State misreads *Schwab*. See State Mem. at 10. First, as relevant to this case, *Schwab* expressly reaffirms that the title provision of the Hawai'i constitution "is mandatory, and a violation thereof would render an enactment nugatory." *Schwab*, 58 Haw. at 30, 564 P.2d at 139. But plaintiffs in *Schwab* also challenged whether the Legislature complied with its own rules of procedure—a claim that is not made in this case. *Id.* at 39, 564 P.2d at 143-44; see Compl. This case only concerns the constitutional requirements of article III, sections 14 and 15. In recognizing the justiciability of such constitutional claims, the *Schwab* court observed: "the power of the legislature should not be interfered with *unless it is exercised in a manner which plainly conflicts with some higher law.*" *Schwab*, 58 Haw. at 39, 564 P.2d at 144 (emphasis added). And as quoted—but apparently ignored—by the State: "We will not interfere with the conduct of legislative affairs in absence of a constitutional mandate to do so, or unless the procedure or result constitutes a deprivation of constitutionally guaranteed rights." *Id.* at 37, 564 P.2d at 143. The claims here fall squarely within the justiciability ruling of *Schwab*.

The State's other cases are equally unavailing. While the Hawai'i Constitution assigns power to the Legislature to enact rules of procedure, it is irrational to suggest that such power authorizes the Legislature to ignore the constitutional requirements set forth in other provisions of the constitution. Unlike *Hussey*, for example, here, there is no "textually demonstrative constitutional commitment of the issue to a coordinate political department." *Hussey v. Say*, 139 Hawai'i 181, 188, 384 P.3d 1282, 1289 (2016).<sup>5</sup>

The supreme court has treated similar constitutional challenges to legislation as justiciable for over a century. The State's separation of powers argument is frivolous.

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<sup>5</sup> *Hussey* involved a challenge to a state legislator's qualifications for office, alleging his place of residence was not in the district he represented. 139 Hawai'i at 184, 384 P.3d at 1285. The issue was nonjusticiable because the constitution provided clear guidance that the Legislature is the exclusive authority to determine qualifications for its members. *Id.* at 187, 384 P.3d at 1288.

**E. The Hawai'i Constitution Provides the Legislature Ample Flexibility to Address Emergencies.**

The State argues that the Hawai'i Constitution unfairly limits the Legislature's ability to deal with emergencies. *See* State Mem. at 14-15. The State's policy arguments are irrelevant to any constitutional analysis. But more fundamentally, the State is simply wrong that the minimal requirements of the Hawai'i Constitution make it impossible for the Legislature to address emergencies.

As an initial matter, the Court must decide whether Act 84 was constitutionally enacted — not whether any virtue exists in the legislative procedure that enacted it. *Nakata*, 76 Hawai'i at 370, 878 P.2d at 709.

When addressing the constitutionality of a statute, we have cautioned that whether the legislation under review is wise or unwise is a matter with which we have nothing to do. Whether it works well or works ill presents a question entirely irrelevant to the issue. The only legitimate inquiry we can make is whether it is constitutional. If it is not, its virtues, if it have any, cannot save it; if it is, its faults cannot be invoked to accomplish its destruction. If the provisions of the Constitution be not upheld when they pinch as well as when they comfort, they may as well be abandoned.

*Id.* Thus, the State's policy arguments about the need for legislative flexibility are irrelevant.

The State's professed need for flexibility also lacks merit. The constitution only requires three readings. Haw. Const. art III, § 15. That means that any law could be constitutionally enacted within a week. Nothing in the constitution would prevent the Legislature from, for example, introducing a new bill during the middle of the legislative session in response to an emergency and passing it as law within a week. The constitutional requirements impose no unreasonable burden on the Legislature, and, as already explained, serve a critical function in our democracy.

The examples of other legislative enactments cited by the State have no bearing on the constitutionality of Act 84 and are not clearly analogous to the circumstances of enacting Act 84. Moreover, if Act 84 is good public policy, the public will suffer no hardship with respect to voiding it because the Legislature

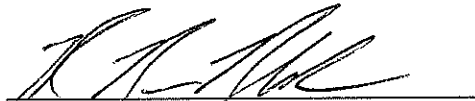
may advance identical legislation in a manner that complies with the Hawai'i Constitution. *See Taomae*, 108 Hawai'i at 256, 118 P.3d at 1199 (the wide vote margin in favor of the constitutional amendment had no legal significance, and the Legislature would suffer no permanent hardship from invalidating it).

Enacting laws that bear no resemblance to the bill as passed by the originating chamber eviscerates the three readings and title requirements. This process undermines public confidence and may lead to hastily crafted legislation. Plaintiffs are entitled to declaratory relief that holds the State to the constitutionally required minimum process for enacting legislation.

### CONCLUSION

Plaintiffs respectfully requests that this Court grant summary judgment in favor of the League of Women Voters of Honolulu and Common Cause and declare that (1) the State violated the three readings and title requirements of article III, sections 14 and 15 of the Hawai'i Constitution by enacting Act 84, and (2) Act 84 is void as unconstitutional.

DATED: Honolulu, Hawai'i, October 25, 2018



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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF  
HONOLULU and COMMON CAUSE

Plaintiffs,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC  
(Other Civil Action)

DECLARATION OF R. BRIAN BLACK;  
EXHIBITS 1-23

**DECLARATION OF R. BRIAN BLACK**

1. I am attorney for the Plaintiffs in this action. I make this declaration in support of the Motion for Summary Judgment based on review of public records.

2. Attached as Exhibit 1 is a true and correct copy of S.B. 2858 (2018) in the form originally introduced, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the Senate Order of the Day for January 24, 2018, Supplement No. 1, concerning S.B. 2858 as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

4. Attached as Exhibit 3 is a true and correct copy of the Measure Status page for S.B. 2858, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

5. Attached as Exhibit 4 is a true and correct copy of the February 9, 2018 committee report for the Senate Committee on Public Safety, Intergovernmental, and Military Affairs regarding S.B. 2858—Senate Standing Committee Report No. 2168—as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

6. Attached as Exhibit 5 is a true and correct copy of excerpts from the Senate Order of the Day for February 9, 2018, concerning S.B. 2858 as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

7. Attached as Exhibit 6 is a true and correct copy of S.B. 2858 S.D. 1, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

8. Attached as Exhibit 7 is a true and correct copy of the March 2, 2018 committee report for the Senate Committee on Ways and Means regarding S.B. 2858 — Senate Standing Committee Report No. 2714 — as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

9. Attached as Exhibit 8 is a true and correct copy of excerpts from the Senate Order of the Day for March 6, 2018, concerning S.B. 2858 as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

10. Attached as Exhibit 9 is a true and correct copy of S.B. 2858 S.D. 2, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

11. Attached as Exhibit 10 is a true and correct copy of the House Order of the Day for March 8, 2018, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

12. Attached as Exhibit 11 is a true and correct copy of excerpts from House Committee Referrals No. 36 for March 8, 2018, concerning S.B. 2858 as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

13. Attached as Exhibit 12 is a true and correct compilation of testimony submitted to the Senate committees concerning S.B. 2858, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

14. Attached as Exhibit 13 is a true and correct copy of testimony submitted to the House Committee on Public Safety concerning S.B. 2858, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

15. Attached as Exhibit 14 is a true and correct copy of the March 21, 2018 committee report for the House Committee on Public Safety regarding S.B. 2858 — House Standing Committee Report No. 1255-18 — as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

16. Attached as Exhibit 15 is a true and correct copy of excerpts from the House Order of the Day for March 21, 2018, concerning S.B. 2858 as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

17. Attached as Exhibit 16 is a true and correct copy of S.B. 2858 H.D. 1, as posted by the Legislature on [capitol.hawaii.gov](http://capitol.hawaii.gov).

18. Attached as Exhibit 17 is a true and correct copy of testimony submitted to the House Committee on Finance concerning S.B. 2858, as posted by the Legislature on capitol.hawaii.gov.

19. Attached as Exhibit 18 is a true and correct copy of the April 6, 2018 committee report for the House Committee on Finance regarding S.B. 2858—House Standing Committee Report No. 1912-18—as posted by the Legislature on capitol.hawaii.gov.

20. Attached as Exhibit 19 is a true and correct copy of excerpts from the House Order of the Day for April 6, 2018, concerning S.B. 2858 as posted by the Legislature on capitol.hawaii.gov.

21. Attached as Exhibit 20 is a true and correct copy of the April 27, 2018 committee report for the Conference Committee on S.B. 2858—Conference Committee Report No. 93-18—as posted by the Legislature on capitol.hawaii.gov.

22. Attached as Exhibit 21 is a true and correct copy of excerpts from the House Order of the Day for May 1, 2018, concerning S.B. 2858 as posted by the Legislature on capitol.hawaii.gov.

23. Attached as Exhibit 22 is a true and correct copy of excerpts from the Senate Order of the Day for May 1, 2018, concerning S.B. 2858 as posted by the Legislature on capitol.hawaii.gov.

24. Attached as Exhibit 23 is a true and correct copy of Governor's Message No. 1185 regarding the enactment, and attaching a copy, of Act 84, as posted by the Legislature on capitol.hawaii.gov.

I, R. BRIAN BLACK, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, October 25, 2018

  
R. BRIAN BLACK

JAN 24 2018

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# A BILL FOR AN ACT

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RELATING TO PUBLIC SAFETY.

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

1       SECTION 1. Act 8, First Special Session Laws of Hawaii  
2       2007 (Act 8), enacted the Community Safety Act, which was  
3       codified as chapter 353H, Hawaii Revised Statutes. The  
4       Community Safety Act established a comprehensive offender  
5       reentry system under the purview of the department of public  
6       safety. Act 8 also required the department of public safety to  
7       submit to the legislature annual reports through 2010 relating  
8       to the implementation, progress, and effectiveness of the  
9       program components specified in Act 8.

10       While the department of public safety's annual report lists  
11       program activities and statistics, it does not include  
12       information on program outcomes. The legislature finds that  
13       performance indicators are an effective way to track the  
14       progress of the comprehensive reentry system and to reflect any  
15       change to the department's approach to rehabilitation and  
16       reentry as mandated by Act 8.

17       The purpose of this Act is to:





- (1) Require the department of public safety to establish key performance indicators or measures to be incorporated in reports that evaluate the department's efforts to improve offender reentry and rehabilitation; and
- (2) Consolidate into one report other specified reports of the department of public safety.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§353- Annual corrections and program report. (a) No later than twenty days prior to the convening of each regular session, beginning with the regular session of 2019, the department shall submit an annual corrections and program report, among other reports that may be required from time to time, that consolidates into one report the reports required by the following laws:

- (1) Act 144, Session Laws of Hawaii 2007, section 4, relating to mental health services for committed persons;



1        (2) Act 213, Session Laws of Hawaii 2007, section 105,  
2        relating to mental health services at certain  
3        correctional facilities;  
4        (3) Act 240, Session Laws of Hawaii 2008, section 5,  
5        relating to children of incarcerated persons;  
6        (4) Act 193, Session Laws of Hawaii 2010, relating to  
7        cognitive restructuring;  
8        (5) Section 353H- , relating to key performance  
9        indicators; and  
10       (6) Section 367D-8, relating to gender-responsive programs  
11       for women;  
12       provided that the repeal or expiration of any individual  
13       reporting requirement described in paragraphs (1) through (6)  
14       shall not repeal or otherwise affect the department's duty to  
15       submit the same report pursuant to this section.  
16       (b) The department shall post the report electronically on  
17       the department's website in a timely manner."

18       SECTION 3: Chapter 353H, Hawaii Revised Statutes, is  
19       amended by adding a new section to be appropriately designated  
20       and to read as follows:



1        "§353H-        Key performance indicators; reporting.    (a)

2        The department shall develop key performance indicators that  
3        accurately reflect progress toward specific goals, including:

4            (1)    Reducing the rate of recidivism;

5            (2)    Decreasing prisoner assaults on correctional staff;

6            (3)    Reducing correctional staff turnover; and

7            (4)    Improving departmental efficiencies in staffing,  
8            budgeting, and data management and analysis.

9            (b)    The department shall submit a report to the  
10        legislature no later than twenty days prior to the convening of  
11        each regular session, beginning with the regular session of  
12        2019.    Each report shall reference key performance indicators  
13        for that period that track rehabilitation and reentry efforts  
14        for individuals who are prepared to exit the correctional  
15        system.

16        (c)    The key performance indicators shall include:

17            (1)    The total number of intakes, by month, including how  
18            many intakes in each month have been in the system  
19            within the last year and the last five years;



- 1        (2) Offender demographics, including gender, race, age,  
2        crime type, and whether the offender was placed in  
3        jail or prison;
- 4        (3) The number of individuals who have obtained a high  
5        school diploma by successfully completing the general  
6        educational development test or an equivalent  
7        competency-based diploma;
- 8        (4) The number of individuals who received vocational  
9        training or rehabilitation and the type of vocational  
10       training or rehabilitation;
- 11       (5) The number of inmates with substance abuse problems,  
12       including the type of dependence or addiction, the  
13       total number of inmates with substance abuse problems,  
14       and the total number of inmates with no reported  
15       substance issues;
- 16       (6) Drug test failure rates of inmates while incarcerated  
17       and while on parole;
- 18       (7) The number of individuals who have completed a drug  
19       treatment program provided by the department;
- 20       (8) The number of individuals who have completed  
21       restorative circles;



- 1        (9) The cost per inmate per day, per facility;  
2        (10) The median length of stay, excluding inmates who have  
3        life or parole sentences;  
4        (11) The total number of inmates released, by month;  
5        (12) The number of individuals for whom a reentry plan is  
6        filed and the number of individuals who exit jail or  
7        prison with a reentry plan; and  
8        (13) The prison population forecast for the next decade.  
9        (d) The department shall post the reports electronically  
10       on the department's website in a timely manner."

11       SECTION 4. New statutory material is underscored.

12       SECTION 5. This Act shall take effect upon its approval.

13       INTRODUCED BY:

Clarence W. Dishiher

[Signature]

Randy H. Bell

Will Geo



# S.B. NO. 2858

**Report Title:**

Inmate Rehabilitation; Reentry System; Performance Indicators

**Description:**

Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports.

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



THE SENATE  
OF THE  
TWENTY-NINTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2018

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FIFTH DAY

JANUARY 24, 2018-WEDNESDAY

SUPPLEMENT NO. 1

---

ORDER OF BUSINESS

INTRODUCTION OF MEASURES: Senate Bill Nos. 3011 – 3107

ORDER OF THE DAY

REFERRALS AND RE-REFERRALS

REFERRALS FOR WEDNESDAY, JANUARY 24, 2018

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<u>S.B. 2779</u>	RELATING TO THE HAWAII TEACHER STANDARDS BOARD. (Board membership; Permits)	EDU/HWN/HRE, WAM
<u>S.B. 2780</u>	RELATING TO PUBLIC LIBRARIES. (Hawaii State Public Library System)	EDU, WAM
<u>S.B. 2781</u>	RELATING TO THE INCOME CHECK- OFF. (Income Tax; Check-off)	EDU, WAM
<u>S.B. 2782</u>	RELATING TO PERSONAL PRIVACY. (Department of Hawaiian Home Lands; Disclosure of Government Records)	HWN, JDC

<u>S.B. 2851</u>	RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS. (Revision Bill)	JDC
<u>S.B. 2852</u>	RELATING TO THE WEED AND SEED STRATEGY. (Grants; Weed and Seed Program; Appropriation)	PSM, JDC/WAM
<u>S.B. 2853</u>	RELATING TO MONEY TRANSMITTERS. (Money Transmitters; Virtual Currency)	CPH
<u>S.B. 2854</u>	RELATING TO MOPEDS. (Mopeds; Registration Requirements; Fine)	TRE, JDC/WAM
<u>S.B. 2855</u>	RELATING TO TEACHER HOUSING. (Housing Voucher Program; Full-time Teachers; Hawaii Housing Finance and Development Corporation)	HOU/EDU, WAM
<u>S.B. 2856</u>	RELATING TO TAXATION. (Tax Credits; Low-Income Household Renters; Consumer Price Index)	HOU, WAM
<u>S.B. 2857</u>	RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTEENTH SENATORIAL DISTRICT. (CIP; Senate; 17th Senatorial District; Appropriation)	WAM
<u>S.B. 2858</u>	RELATING TO PUBLIC SAFETY. (Inmate Rehabilitation; Reentry System; Performance Indicators)	PSM, WAM



# SB2858 SD2 HD1 CD1

Measure Title: RELATING TO PUBLIC SAFETY.

Report Title: Public Safety; Public Improvements; State Building Design and Construction; New Public Schools; Disaster Preparedness; Hurricane; Standards

Description: Requires the State to consider hurricane resistant criteria when designing and constructing new public schools for the capability of providing shelter refuge. (CD1)

Companion:

Package: None

Current Referral: PBS, FIN

Introducer(s): NISHIHARA, BAKER, ESPERO, Wakai

<u>Sort by</u> <u>Date</u>	<u>Status</u>	<u>Text</u>
1/24/2018	S	Introduced.
1/24/2018	S	Passed First Reading.
1/24/2018	S	Referred to PSM, WAM.
1/26/2018	S	The committee(s) on PSM has scheduled a public hearing on 01-30-18 1:15PM in conference room 229.
1/30/2018	S	The committee(s) on PSM deferred the measure until 02-06-18 1:15PM in conference room 229.
2/6/2018	S	The committee(s) on PSM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PSM were as follows: 5 Aye(s): Senator(s) Nishihara, Wakai, Baker, Ihara, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/9/2018	S	Reported from PSM (Stand. Com. Rep. No. 2168) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
2/9/2018	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
2/16/2018	S	The committee(s) on WAM will hold a public decision making on 02-23-18 10:00AM in conference room 211.
2/23/2018	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 9 Aye(s): Senator(s) Dela Cruz, Keith-Agaran, English, Galuteria, Harimoto, Inouye, Kidani, Riviere, Wakai; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) K. Kahele, Shimabukuro.
3/2/2018	S	Reported from WAM (Stand. Com. Rep. No. 2714) with recommendation of passage on Third Reading, as amended (SD 2).
3/2/2018	S	48 Hrs. Notice 03-06-18.
3/6/2018	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
3/6/2018	H	Received from Senate (Sen. Com. No. 339) in amended form (SD 2).
3/8/2018	H	Pass First Reading
3/8/2018	H	Referred to PBS, FIN, referral sheet 36
3/13/2018	H	Bill scheduled to be heard by PBS on Thursday, 03-15-18 10:30AM in House conference room 312.
3/15/2018	H	The committees on PBS recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 5 Ayes: Representative(s) Takayama, Gates, Creagan, Say, Thielen; Ayes with reservations: none; 0 Noes: none; and 2 Excused: Representative(s) DeCoite, Ing.
3/21/2018	H	Reported from PBS (Stand. Com. Rep. No. 1255-18) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
3/21/2018	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Ing, C. Lee, McKelvey, Souki, Todd, Ward excused (6).
3/24/2018	H	Bill scheduled to be heard by FIN on Wednesday, 03-28-18 3:00PM in House conference room 308.

3/28/2018	H	The committees on FIN recommended that the measure be PASSED, UNAMENDED. The votes were as follows: 13 Ayes: Representative(s) Luke, Cullen, Cachola, DeCoite, Fukumoto, Gates, Keohokalole, Lowen, Nakamura, Yamashita, Ward; Ayes with reservations: Representative(s) Holt, Todd; 1 Noes: Representative(s) Kobayashi; and 1 Excused: Representative(s) Tupola.
4/6/2018	H	Reported from FIN (Stand. Com. Rep. No. 1912-18), recommending passage on Third Reading.
4/6/2018	H	Passed Third Reading with Representative(s) Har, Tupola voting aye with reservations; Representative(s) Kobayashi, Nakamura voting no (2) and Representative(s) Holt excused (1). Transmitted to Senate.
4/10/2018	S	Received from House (Hse. Com. No. 531).
4/10/2018	S	Senate disagrees with House amendments.
4/10/2018	H	Received notice of disagreement (Sen. Com. No. 778).
4/16/2018	H	House Conferees Appointed: Takayama, Gates Co-Chairs; Yamashita, Thielen.
4/16/2018	S	Received notice of appointment of House conferees (Hse. Com. No. 610).
4/18/2018	S	Senate Conferees Appointed: Nishihara Chair; Shimabukuro Co-Chair; L. Thielen.
4/18/2018	H	Received notice of Senate conferees (Sen. Com. No. 794).
4/23/2018	S	Conference committee meeting scheduled for 04-25-18 10:00AM in conference room 016.
4/25/2018	S	Conference committee meeting to reconvene on 04-26-18 10:00AM in conference room 016.
4/26/2018	S	The Conference committee recommends that the measure be PASSED, WITH AMENDMENTS. The votes of the Senate Conference Managers were as follows: 3 Aye(s): Senator(s) Nishihara, Shimabukuro, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
4/26/2018	H	The Conference Committee recommends that the measure be Passed, with Amendments. The votes were as follows: 3 Ayes: Representative(s) Takayama, Gates, Yamashita; Ayes with reservations: none; 0 Noes: none; and 1 Excused: Representative(s) Thielen.
4/27/2018	S	Reported from Conference Committee as amended CD 1 (Conf. Com. Rep. No. 93-18).
4/27/2018	S	48 Hrs. Notice (as amended CD 1) 05-01-18.
4/27/2018	H	Reported from Conference Committee (Conf Com. Rep. No. 93-18) as amended in (CD 1).
4/27/2018	H	Forty-eight (48) hours notice Tuesday, 05-01-18.
5/1/2018	H	Passed Final Reading as amended in CD 1 with none voting aye with reservations; none voting no (0) and none excused (0).
5/1/2018	S	Passed Final Reading, as amended (CD 1). Ayes, 25; Aye(s) with reservations: none . 0 No(es): none. 0 Excused: none.
5/1/2018	H	Received notice of Final Reading (Sen. Com. No. 849).
5/3/2018	S	Received notice of passage on Final Reading in House (Hse. Com. No. 705).
5/3/2018	S	Enrolled to Governor.
7/5/2018	H	Act 084, on 06/29/2018 (Gov. Msg. No. 1185).
7/5/2018	S	Act 084, 06/29/2018 (Gov. Msg. No. 1185).

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

## SB2858 SD2 HD1 CD1

Honolulu, Hawaii

FEB 09 2018

RE: S.B. No. 2858  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 2858 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Public Safety to establish key performance indicators for the inmate reentry system;
- (2) Require reports, using key performance indicators, to be provided to the Legislature; and
- (3) Create the annual corrections and program report as a consolidated report of other annual reports.

Your Committee received testimony in support of this measure from Young Progressives Demanding Action, Life of the Land, Community Alliance on Prisons, ACLU of Hawaii, and two individuals. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that effective rehabilitation of incarcerated persons is essential for operating an effective corrections system. To that end, the Legislature passed Act 8, Special Session Laws of Hawaii 2007, also known as the Community



Safety Act, which established a comprehensive offender reentry system under the purview of the Department of Public Safety. Part of that Act required that the Department submit annual reports relating to the implementation, progress, and effectiveness of the various program components specified in the Act. However, the annual reports submitted by the Department are not required to include information relating to rehabilitation program outcomes. This measure ensures the effectiveness of and makes improvements to the Department's rehabilitation and reentry programs by requiring tracking of specific performance indicators. In addition, this measure streamlines the Department's submission of various statutorily required reports by requiring the Department to consolidate into one report other reports specified by statute.

Further, your Committee finds that the Department of Public Safety should begin addressing the many issues relating to pretrial detainees. To that end, your Committee finds that in its report, the Department should also relate information to the Legislature about key performance indicators relating to pretrial detainees.

Your Committee has amended this measure by:

- (1) Amending the key performance indicators that are required to be included in the Department of Public Safety's annual report to the Legislature; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2858, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

*Clarence K. Nishihara*

CLARENCE K. NISHIHARA, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2858</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/6/18</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution: Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes

‘Aha Kenekoa ‘Aha‘ōlelo Iwakāluakumamāiwa  
THE SENATE  
OF THE  
TWENTY-NINTH LEGISLATURE  
Moku‘āina ‘O Hawai‘i  
STATE OF HAWAII  
‘Ākoakoa Kūmau MH 2018  
REGULAR SESSION OF 2018

---

Lā ‘Umikumamālima  
FIFTEENTH DAY

9 Pepehuali 2018 - Po‘alima - Hola 11:30 A.M.  
FEBRUARY 9, 2018-FRIDAY-11:30 O'CLOCK A.M.

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Papahana O Ka Lā  
ORDER OF BUSINESS

Kāhea Papainoa  
ROLL CALL

‘Āpono Mo‘olelo O Ka Puke Hālāwai  
APPROVAL OF THE JOURNAL

Ho‘olauna Mea Kipa  
INTRODUCTIONS

- Ho‘olauna Ma Ka ‘Ākoakoa Nui
- FLOOR PRESENTATION

RECOGNIZING AND CONGRATULATING KALANI VIERRA AND KRYSTL  
APELES ON BECOMING THE 11<sup>TH</sup> ANNUAL 2017 INTERNATIONAL TANDEM  
SURFING ASSOCIATION CHAMPIONS. (Senator Kouchi)

Ho‘oka‘a‘ike Mai Ke Kia‘āina  
MESSAGES FROM THE GOVERNOR: None

Ho‘oka‘a‘ike Mai Nā ‘Oihana  
DEPARTMENTAL COMMUNICATIONS: None

Ho‘oka‘a‘ike No Ka Hale  
HOUSE COMMUNICATIONS: None

<u>2165</u>	(PSM)	<u>S.B. No. 2436, S.D. 1</u> "RELATING TO FIREARMS." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDC)
<u>2166</u>	(PSM)	<u>S.B. No. 2290, S.D. 1</u> "RELATING TO LAW ENFORCEMENT." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDC)
<u>2167</u>	(PSM)	<u>S.B. No. 2347, S.D. 1</u> "RELATING TO POLICE DEPARTMENTS." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDC)
<u>2168</u>	(PSM)	<u>S.B. No. 2858, S.D. 1</u> "RELATING TO PUBLIC SAFETY." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>2169</u>	(PSM)	<u>S.B. No. 2861, S.D. 1</u> "RELATING TO PUBLIC SAFETY." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>2170</u>	(PSM)	<u>S.B. No. 2962, S.D. 1</u> "RELATING TO DIVORCE." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDC)
<u>2171</u>	(PSM/HOU)	<u>S.B. No. 2758, S.D. 1</u> "RELATING TO HOUSING." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)



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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1       SECTION 1. Act 8, First Special Session Laws of Hawaii  
2       2007 (Act 8), enacted the Community Safety Act, which was  
3       codified as chapter 353H, Hawaii Revised Statutes. The  
4       Community Safety Act established a comprehensive offender  
5       reentry system under the purview of the department of public  
6       safety. Act 8 also required the department of public safety to  
7       submit to the legislature annual reports through 2010 relating  
8       to the implementation, progress, and effectiveness of the  
9       program components specified in Act 8.

10       While the department of public safety's annual report lists  
11       program activities and statistics, it does not include  
12       information on program outcomes. The legislature finds that  
13       performance indicators are an effective way to track the  
14       progress of the comprehensive reentry system and to reflect any  
15       change to the department's approach to rehabilitation and  
16       reentry as mandated by Act 8.

17       The purpose of this Act is to:



(1) Require the department of public safety to establish key performance indicators or measures to be incorporated in reports that evaluate the department's efforts to improve offender reentry and rehabilitation; and

(2) Consolidate into one report other specified reports of the department of public safety.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§353- Annual corrections program report. (a) No later than twenty days prior to the convening of each regular session, beginning with the regular session of 2019, the department shall submit an annual corrections and program report, among other reports that may be required from time to time, that consolidates into one report the reports required by the following laws:

(1) Act 144, Session Laws of Hawaii 2007, section 4, relating to mental health services for committed persons;



1        (2) Act 213, Session Laws of Hawaii 2007, section 105,  
2        relating to mental health services at certain  
3        correctional facilities;  
4        (3) Act 240, Session Laws of Hawaii 2008, section 5,  
5        relating to children of incarcerated persons;  
6        (4) Act 193, Session Laws of Hawaii 2010, relating to  
7        cognitive restructuring;  
8        (5) Section 353H- , relating to key performance  
9        indicators; and  
10       (6) Section 367D-8, relating to gender-responsive programs  
11       for women;  
12       provided that the repeal or expiration of any individual  
13       reporting requirement described in paragraphs (1) through (6)  
14       shall not repeal or otherwise affect the department's duty to  
15       submit the same report pursuant to this section.  
16       (b) The department shall post the report electronically on  
17       the department's website in a timely manner."  
18       SECTION 3. Chapter 353H, Hawaii Revised Statutes, is  
19       amended by adding a new section to be appropriately designated  
20       and to read as follows:



1       "§353H-     Key performance indicators; reporting.   (a)   The  
2   department shall develop key performance indicators that  
3   accurately reflect progress toward specific goals, including:

- 4       (1)   Reducing the rate of recidivism;  
5       (2)   Decreasing prisoner assaults on correctional staff;  
6       (3)   Reducing correctional staff turnover; and  
7       (4)   Improving departmental efficiencies in staffing,  
8       budgeting, and data management and analysis.

9       (b)   The department shall submit a report to the  
10   legislature no later than twenty days prior to the convening of  
11   each regular session, beginning with the regular session of  
12   2019. Each report shall reference key performance indicators  
13   for that period that track rehabilitation and reentry efforts  
14   for individuals who are prepared to exit the correctional  
15   system.

16       (c)   The key performance indicators shall include:

- 17       (1)   The total number of intakes, by month, including how  
18       many intakes by facility in each month have been in  
19       the system within the last year;  
20       (2)   Offender population counts by facility for each month  
21       of the year;



- 1        (3) The number of individuals who have obtained a high
- 2        school diploma by successfully completing the general
- 3        educational development test or an equivalent
- 4        competency-based diploma;
- 5        (4) The number of individuals who received vocational
- 6        training or rehabilitation programming;
- 7        (5) The number of inmates assessed with substance abuse
- 8        problems, and the total number of inmates assessed
- 9        with no reported substance issues;
- 10       (6) Drug test failure rates of inmates while incarcerated;
- 11       (7) The number of individuals who have completed a drug
- 12       treatment program provided by the department;
- 13       (8) The number of individuals who have completed drug
- 14       education classes and out-patient treatment services;
- 15       (9) The cost per inmate per day, per facility;
- 16       (10) The median length of stay, excluding inmates who have
- 17       life or parole sentences;
- 18       (11) The total number of inmates released, by month by max
- 19       out or parole;
- 20       (12) The number of individuals who applied for reduction of
- 21       minimum inclusive of approval or denial by



1 jurisdiction and month; the number of parole  
2 revocation hearings approved or denied per month; and  
3 the number of individuals for whom a reentry plan is  
4 filed and the number of individuals who exit jail or  
5 prison with a reentry plan;

6 (13) The total number of pretrial detainees and the number  
7 of pretrial detainees admitted each month by type of  
8 crime, bail amount, risk assessed, gender, race, and  
9 age;

10 (14) The number of pretrial detainees released or  
11 discharged each month and the reason for the release  
12 or discharge by type of crime, bail amount, risk  
13 assessed, gender, race, and age;

14 (15) The average length of stay for pretrial detainees by  
15 reason for release or discharge, type of crime, bail  
16 amount, risk assessed, gender, race, and age;

17 (16) The number of pretrial detainees held on cash bail by  
18 type of crime, bail amount, risk assessed, gender,  
19 race, and age;



1        (17) The average amount of time for completing and  
2                verifying pretrial risk assessment by type of crime,  
3                bail amount, risk assessed, gender, race, and age; and  
4        (18) The number of pretrial detainees readmitted by reason  
5                for release, reason for readmission, type of crime,  
6                bail amount, risk assessed, gender, race, and age.  
7        (d) The department shall post the reports electronically  
8 on the department's website in a timely manner."

9        SECTION 4. New statutory material is underscored.

10       SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Inmate Rehabilitation; Reentry System; Performance Indicators

**Description:**

Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports. (SD1)

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





Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2858  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2858, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,".

begs leave to report as follows:

The purpose and intent of this measure is to improve the efficacy of the State's corrections program.

Specifically, the measure:

- (1) Requires the Department of Public Safety to establish key performance indicators or measures, to be incorporated in reports that evaluate the department's efforts to improve offender reentry and rehabilitation; and
- (2) Combines multiple specified annual reports of the Department of Public Safety into one consolidated annual report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Public Safety; the Office of Hawaiian Affairs; 808RAN; Aloha Light Team; American Civil Liberties Union of Hawaii; Community Alliance on Prisons; Hawaii Justice Coalition; Ho`omanapono Political Action Committee; OCC Legislative Priorities Committee, Democratic Party of Hawaii;



Young Progressives Demanding Action - Hawaii; and seven individuals.

Your Committee finds that Act 8, First Special Session Laws of Hawaii 2007, enacted the Community Safety Act, which established a comprehensive offender reentry system within the Department of Public Safety. Your Committee believes that this measure will help to ensure the effectiveness and make improvements to the Department's rehabilitation and reentry programs by requiring annual reports on specific program indicators. Your Committee also finds that this measure facilitates administrative efficiency by consolidating a number of the Department's reporting requirements into one annual report.

Your Committee has amended this measure by:

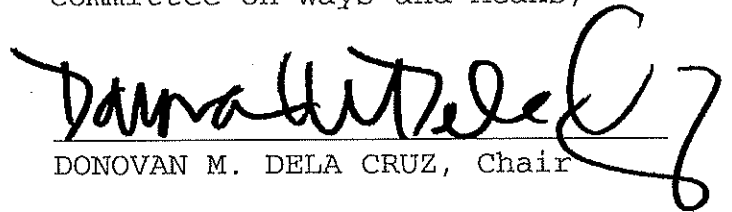
- (1) Inserting language to clarify that Act 144, Session Laws of Hawaii 2007, section 4, was codified as section 353C-2(b);
- (2) Deleting references to two annual reports that are no longer required to be created under existing law;
- (3) Inserting language to clarify that if any of the cited reporting requirements is repealed or terminated, the consolidated report shall continue to be produced with the remaining reporting requirements;
- (4) Clarifying that the Department of Public Safety shall report on key performance indicators on a fiscal year basis;
- (5) Deleting redundant language related to the posting of reports of key performance indicators on the Department of Public Safety's website;
- (6) Making conforming amendments to the laws that establish the individual annual reports that are to be consolidated by this measure;
- (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and



- (8) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2858, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

Record of Votes  
Committee on Ways and Means  
WAM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB2858, SDI</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/23/18</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
GALUTERIA, Brickwood	X			
HARIMOTO, Breene	X			
INOUE, Lorraine R.	X			
KAHELE, Kalali'i				X
KIDANI, Michelle N.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.				X
WAKAI, Glenn	X			
<b>TOTAL</b>	9			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  DC         </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>             Original File with Committee Report           </div> <div>             Yellow Clerk's Office           </div> <div>             Pink Drafting Agency           </div> <div>             Goldenrod Committee File Copy           </div> </div>				

\*Only one measure per Record of Votes

‘Aha Kenekoa ‘Aha‘ōlelo Iwakāluakumamāiwa  
THE SENATE  
OF THE  
TWENTY-NINTH LEGISLATURE  
Moku‘āina ‘O Hawai‘i  
STATE OF HAWAII  
‘Ākoakoa Kūmau MH 2018  
REGULAR SESSION OF 2018

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Lā ‘Iwakāluakumamālima  
TWENTY-FIFTH DAY

6 Malaki 2018 - Po‘alua - Hola 9:30 A.M.  
MARCH 6, 2018-TUESDAY-9:30 O'CLOCK A.M.

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Papahana O Ka Lā  
ORDER OF BUSINESS

Kāhea Papainoa  
ROLL CALL

‘Āpono Mo‘olelo O Ka Puke Hālāwai  
APPROVAL OF THE JOURNAL

Ho‘olauna Mea Kipa  
INTRODUCTIONS

Ho‘oka‘a‘ike Mai Ke Kia‘āina  
MESSAGES FROM THE GOVERNOR: No. 11

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<u>G.M. No. 11</u>	Letter dated March 2, 2018, transmitting proposed changes to the FY 19 Executive Supplemental Budget for the Departments of Accounting and General Services; Business Economic Development and Tourism; Education; Hawaiian Home Lands; Human Services; Land and Natural Resources; Taxation; and Transportation.	FILE

Stand. Com. Rep. No. 2711

Prior Versions/Status & Testimony

S.B. No. 2340, S.D. 2

"RELATING TO HEALTH INSURANCE." -  
(WAM)

(Health Insurance; Extended Coverage;  
Preexisting Conditions; Nondiscrimination)

Stand. Com. Rep. No. 2712

Prior Versions/Status & Testimony

S.B. No. 2602, S.D. 1

"RELATING TO PROCUREMENT." -  
(WAM)

(State Procurement Policy Board; Compliance  
Examinations)

Stand. Com. Rep. No. 2714

Prior Versions/Status & Testimony

S.B. No. 2858, S.D. 2

"RELATING TO PUBLIC SAFETY." -  
(WAM)

(Inmate Rehabilitation; Reentry System;  
Performance Indicators)

Stand. Com. Rep. No. 2715

Prior Versions/Status & Testimony

S.B. No. 2366, S.D. 2

"RELATING TO COLLECTIVE  
BARGAINING." - (WAM)

(Collective Bargaining; Labor Relations  
Board; Delivery of Decisions and Orders;  
Notice Requirements; Appropriation)

Stand. Com. Rep. No. 2716

Prior Versions/Status & Testimony

S.B. No. 2381, S.D. 2

"RELATING TO SCHOOL CLOSURES." -  
(WAM)

(School Closure; Natural Disasters)

---

# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1       SECTION 1. The legislature finds that Act 8, First Special  
2 Session Laws of Hawaii 2007 (Act 8), enacted the Community  
3 Safety Act, which is codified as chapter 353H, Hawaii Revised  
4 Statutes. The Community Safety Act established a comprehensive  
5 offender reentry system under the purview of the department of  
6 public safety. Act 8 also required the department of public  
7 safety to submit to the legislature annual reports through 2010  
8 relating to the implementation, progress, and effectiveness of  
9 the program components specified in Act 8.

10       The legislature notes that while the department of public  
11 safety's annual reports required by Act 8 listed program  
12 activities and statistics, they did not include information on  
13 program outcomes. The legislature finds that performance  
14 indicators are an effective way to track the progress of the  
15 comprehensive reentry system and to reflect any change to the  
16 department's approach to rehabilitation and reentry as mandated  
17 by Act 8.



1 The purpose of this Act is to:

2 (1) Require the department of public safety to establish  
3 key performance indicators or measures to be  
4 incorporated in reports that evaluate the department's  
5 efforts to improve offender reentry and  
6 rehabilitation; and

7 (2) Consolidate into one report other specified reports of  
8 the department of public safety.

9 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 "§353- Annual corrections program report. (a) No later  
13 than twenty days prior to the convening of each regular session,  
14 beginning with the regular session of 2019, the department shall  
15 submit an annual corrections and program report, among other  
16 reports that may be required from time to time, that  
17 consolidates into one report the reports required by the  
18 following laws:

19 (1) Act 144, Session Laws of Hawaii 2007, section 4,  
20 codified as section 353C-2(b), relating to mental  
21 health services for committed persons;





(2) Act 193, Session Laws of Hawaii 2010, relating to  
cognitive restructuring;

(3) Section 353H- , relating to key performance  
indicators; and

(4) Section 367D-8, relating to gender-responsive programs  
for women;

provided that the repeal or expiration of any individual  
reporting requirement described in paragraphs (1) through (4)  
shall not repeal or otherwise affect the department's duty to  
submit the consolidated report pursuant to this section with the  
content required for the remaining reporting requirements that  
have not been repealed or expired.

(b) The department shall post the report electronically on  
the department's website in a timely manner."

SECTION 3. Chapter 353H, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§353H- Key performance indicators; reporting. (a) The  
department shall develop key performance indicators that  
accurately reflect progress toward specific goals, including:

(1) Reducing the rate of recidivism;



1        (2) Decreasing prisoner assaults on correctional staff;

2        (3) Reducing correctional staff turnover; and

3        (4) Improving departmental efficiencies in staffing,

4                budgeting, and data management and analysis.

5        (b) The department shall include in its annual report to

6 the legislature pursuant to section 353- a report section

7 that shall reference key performance indicators for the fiscal

8 year that ended before the report. The section shall track

9 rehabilitation and reentry efforts for individuals who are

10 prepared to exit the correctional system.

11        (c) The key performance indicators shall include:

12        (1) The total number of intakes, by month, including how

13                many intakes by facility in each month have been in

14                the system within the last fiscal year;

15        (2) Offender population counts by facility for each month

16                of the fiscal year;

17        (3) The number of individuals who have obtained a high

18                school diploma by successfully completing the general

19                educational development test or an equivalent

20                competency-based diploma;



- 1        (4) The number of individuals who received vocational  
2        training or rehabilitation programming;
- 3        (5) The number of inmates assessed with substance abuse  
4        problems, and the total number of inmates assessed  
5        with no reported substance issues;
- 6        (6) Drug test failure rates of inmates while incarcerated;
- 7        (7) The number of individuals who have completed a drug  
8        treatment program provided by the department;
- 9        (8) The number of individuals who have completed drug  
10       education classes and out-patient treatment services;
- 11       (9) The cost per inmate per day, per facility;
- 12       (10) The median length of stay, excluding inmates who have  
13       life or parole sentences;
- 14       (11) The total number of inmates released, by month by max  
15       out or parole;
- 16       (12) The number of individuals who applied for reduction of  
17       minimum inclusive of approval or denial by  
18       jurisdiction and month, the number of parole  
19       revocation hearings approved or denied per month, and  
20       the number of individuals for whom a reentry plan is



1 filed and the number of individuals who exit jail or  
2 prison with a reentry plan;

3 (13) The total number of pretrial detainees and the number  
4 of pretrial detainees admitted each month by type of  
5 crime, bail amount, risk assessed, gender, race, and  
6 age;

7 (14) The number of pretrial detainees released or  
8 discharged each month and the reason for the release  
9 or discharge by type of crime, bail amount, risk  
10 assessed, gender, race, and age;

11 (15) The average length of stay for pretrial detainees by  
12 reason for release or discharge, type of crime, bail  
13 amount, risk assessed, gender, race, and age;

14 (16) The number of pretrial detainees held on cash bail by  
15 type of crime, bail amount, risk assessed, gender,  
16 race, and age;

17 (17) The average amount of time for completing and  
18 verifying pretrial risk assessment by type of crime,  
19 bail amount, risk assessed, gender, race, and age; and



1       (18) The number of pretrial detainees readmitted by reason  
2               for release, reason for readmission, type of crime,  
3               bail amount, risk assessed, gender, race, and age."

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

6       "[-] (b) [+] The department of public safety shall include in  
7 its annual report to the legislature [~~not later than twenty days~~  
8 ~~prior to the commencement of the 2008 regular session, and every~~  
9 ~~session thereafter, with]~~ pursuant to section 353- a report  
10 section that includes its achievements, continuing improvements,  
11 and ongoing problems in providing the appropriate mental health  
12 care to committed persons under its jurisdiction."

13       SECTION 5. Section 367D-8, Hawaii Revised Statutes, is  
14 amended to read as follows:

15       "§367D-8 Annual report. The department of public safety  
16 and the office of youth services shall [~~submit an~~] include in  
17 its annual report to the legislature [~~no later than twenty days~~  
18 ~~before the convening of each regular session]~~ pursuant to  
19 section 353- a report section on the following areas:  
20 program descriptions, type and costs of contracts made, name of  
21 the private agency awarded each contract, and the success of



1 each contract in meeting program specifications. The report  
2 section shall detail the development of the comprehensive  
3 continuum of care to address the gender-responsive needs of  
4 Hawaii's female offenders and female adjudicated youth both in-  
5 state and abroad. The report section shall also highlight the  
6 existing gaps in the system and include recommendations for  
7 resources needed to reach a seamless continuum of care and other  
8 relevant information concerning the creation of a gender-  
9 responsive environment for female offenders and female  
10 adjudicated youth."

11 SECTION 6. Act 193, Session Laws of Hawaii 2010, is  
12 amended by amending subsection (c) of section 2 to read as  
13 follows:

14 "(c) The department of public safety shall ~~[submit an]~~  
15 include in its annual report to the legislature pursuant to  
16 section 353- , Hawaii Revised Statutes, a report section on  
17 these programs in Hawaii's correctional facilities ~~[no later~~  
18 ~~than twenty days prior to the convening of each regular session,~~  
19 ~~beginning with the regular session of 2011].~~

20 The ~~[annual]~~ report section shall include but not be  
21 limited to:



- 1 (1) Descriptions of the various programs;
- 2 (2) Criteria for access/entry to the programs;
- 3 (3) The number of native Hawaiians who participated in the
- 4 programs;
- 5 (4) The number of non-Hawaiians who participated in the
- 6 programs;
- 7 (5) The number of native Hawaiians who completed the
- 8 programs;
- 9 (6) The number of non-Hawaiians who completed the
- 10 programs;
- 11 (7) The number of participants paroled/"maxed out";
- 12 (8) Recidivism after three months, six months, nine
- 13 months, and one year; and
- 14 (9) Successes and challenges in administering the
- 15 programs."

16 SECTION 7. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 2050.



S.B. NO. 2858  
S.D. 2

**Report Title:**

Inmate Rehabilitation; Reentry System; Performance Indicators

**Description:**

Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports. Effective 7/1/2050. (SD2)

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





HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION, 2018

March 8, 2018

26<sup>th</sup> Day

ORDER OF BUSINESS

Invocation - Representative Nicole E. Lowen

1. Roll Call
2. Reading of the Journal
3. Messages from the Governor
4. Senate Communications

See Addendum.

ORDER OF THE DAY

5. Reports of Standing Committees

JUDICIARY

Stand. Comm. Rep. No. 1135-18

H.R. No. 21, H.D. 1

URGING THE HAWAII CHAPTER OF THE  
AMERICAN JUDICATURE SOCIETY AND THE  
HAWAII STATE BAR ASSOCIATION TO  
ANALYZE AND ASSESS THE ROLE OF THE  
JUDICIARY WITHIN THE CONSTITUTIONAL  
FRAMEWORK OF GOVERNMENT IN THE  
STATE OF HAWAII.

AS AMENDED, FOR ADOPTION

6. Introduction of Resolutions

H.R. Nos. 50 to 68  
H.C.R. Nos. 64 to 83

7. Announcements

Committee Referral Sheet No. 34

Addendum

Received communications transmitting the following **371** Senate Bills – all having passed Third Reading in the Senate:

- |                           |                           |                            |
|---------------------------|---------------------------|----------------------------|
| 1. S.B. No. 36, S.D. 2    | 42. S.B. No. 2092, S.D. 1 | 84. S.B. No. 2296, S.D. 1  |
| 2. S.B. No. 48, S.D. 3    | 43. S.B. No. 2097, S.D. 1 | 85. S.B. No. 2298, S.D. 2  |
| 3. S.B. No. 80, S.D. 2    | 44. S.B. No. 2100, S.D. 2 | 86. S.B. No. 2299, S.D. 2  |
| 4. S.B. No. 101, S.D. 1   | 45. S.B. No. 2108, S.D. 1 | 87. S.B. No. 2304, S.D. 2  |
| 5. S.B. No. 192, S.D. 1   | 46. S.B. No. 2110, S.D. 2 | 88. S.B. No. 2305, S.D. 1  |
| 6. S.B. No. 208, S.D. 2   | 47. S.B. No. 2111, S.D. 1 | 89. S.B. No. 2306, S.D. 1  |
| 7. S.B. No. 222, S.D. 2   | 48. S.B. No. 2113, S.D. 2 | 90. S.B. No. 2312, S.D. 2  |
| 8. S.B. No. 229, S.D. 1   | 49. S.B. No. 2114, S.D. 1 | 91. S.B. No. 2316          |
| 9. S.B. No. 270, S.D. 1   | 50. S.B. No. 2116, S.D. 1 | 92. S.B. No. 2319, S.D. 2  |
| 10. S.B. No. 318, S.D. 2  | 51. S.B. No. 2124, S.D. 1 | 93. S.B. No. 2320, S.D. 2  |
| 11. S.B. No. 351, S.D. 2  | 52. S.B. No. 2125, S.D. 2 | 94. S.B. No. 2328, S.D. 2  |
| 12. S.B. No. 481, S.D. 2  | 53. S.B. No. 2126, S.D. 1 | 95. S.B. No. 2329, S.D. 2  |
| 13. S.B. No. 508, S.D. 1  | 54. S.B. No. 2134, S.D. 2 | 96. S.B. No. 2331, S.D. 2  |
| 14. S.B. No. 641, S.D. 1  | 55. S.B. No. 2149, S.D. 2 | 97. S.B. No. 2333, S.D. 2  |
| 15. S.B. No. 738, S.D. 1  | 56. S.B. No. 2150, S.D. 2 | 98. S.B. No. 2334, S.D. 2  |
| 16. S.B. No. 757, S.D. 2  | 57. S.B. No. 2168, S.D. 1 | 99. S.B. No. 2337, S.D. 1  |
| 17. S.B. No. 815, S.D. 2  | 58. S.B. No. 2172, S.D. 2 | 100. S.B. No. 2339, S.D. 1 |
| 18. S.B. No. 1208, S.D. 2 | 59. S.B. No. 2173, S.D. 1 | 101. S.B. No. 2340, S.D. 2 |
| 19. S.B. No. 1235, S.D. 2 | 60. S.B. No. 2177, S.D. 2 | 102. S.B. No. 2343, S.D. 2 |
| 20. S.B. No. 1293, S.D. 2 | 61. S.B. No. 2183, S.D. 1 | 103. S.B. No. 2346, S.D. 2 |
| 21. S.B. No. 2027, S.D. 2 | 62. S.B. No. 2184, S.D. 1 | 104. S.B. No. 2351, S.D. 1 |
| 22. S.B. No. 2046, S.D. 1 | 63. S.B. No. 2186, S.D. 1 | 105. S.B. No. 2360         |
| 23. S.B. No. 2049, S.D. 1 | 64. S.B. No. 2189, S.D. 1 | 106. S.B. No. 2361, S.D. 2 |
| 24. S.B. No. 2050, S.D. 2 | 65. S.B. No. 2196         | 107. S.B. No. 2363, S.D. 2 |
| 25. S.B. No. 2051, S.D. 1 | 66. S.B. No. 2199, S.D. 1 | 108. S.B. No. 2364, S.D. 2 |
| 26. S.B. No. 2056, S.D. 2 | 67. S.B. No. 2204, S.D. 1 | 109. S.B. No. 2366, S.D. 2 |
| 27. S.B. No. 2059, S.D. 1 | 68. S.B. No. 2205, S.D. 1 | 110. S.B. No. 2367, S.D. 2 |
| 28. S.B. No. 2060, S.D. 2 | 69. S.B. No. 2211, S.D. 2 | 111. S.B. No. 2368, S.D. 2 |
| 29. S.B. No. 2069, S.D. 1 | 70. S.B. No. 2224, S.D. 2 | 112. S.B. No. 2373, S.D. 1 |
| 30. S.B. No. 2070, S.D. 2 | 71. S.B. No. 2228, S.D. 1 | 113. S.B. No. 2374, S.D. 1 |
| 31. S.B. No. 2073, S.D. 1 | 72. S.B. No. 2231, S.D. 2 | 114. S.B. No. 2375, S.D. 2 |
| 32. S.B. No. 2074, S.D. 1 | 73. S.B. No. 2237, S.D. 2 | 115. S.B. No. 2381, S.D. 2 |
| 33. S.B. No. 2075, S.D. 1 | 74. S.B. No. 2239, S.D. 2 | 116. S.B. No. 2383, S.D. 2 |
| 34. S.B. No. 2077, S.D. 1 | 75. S.B. No. 2242, S.D. 2 | 117. S.B. No. 2384         |
| 35. S.B. No. 2078, S.D. 1 | 76. S.B. No. 2243, S.D. 1 | 118. S.B. No. 2387, S.D. 2 |
| 36. S.B. No. 2079, S.D. 2 | 77. S.B. No. 2247, S.D. 1 | 119. S.B. No. 2393, S.D. 1 |
| 37. S.B. No. 2083, S.D. 1 | 78. S.B. No. 2256, S.D. 1 | 120. S.B. No. 2396, S.D. 2 |
| 38. S.B. No. 2084, S.D. 1 | 79. S.B. No. 2257, S.D. 1 | 121. S.B. No. 2398, S.D. 2 |
| 39. S.B. No. 2085, S.D. 2 | 80. S.B. No. 2276, S.D. 1 | 122. S.B. No. 2399, S.D. 2 |
| 40. S.B. No. 2087, S.D. 2 | 81. S.B. No. 2278, S.D. 2 | 123. S.B. No. 2401, S.D. 2 |
| 41. S.B. No. 2089, S.D. 1 | 82. S.B. No. 2290, S.D. 2 | 124. S.B. No. 2402, S.D. 2 |
|                           | 83. S.B. No. 2293, S.D. 2 | 125. S.B. No. 2407, S.D. 1 |

126.	S.B. No. 2415, S.D. 1	172.	S.B. No. 2574	218.	S.B. No. 2693, S.D. 1
127.	S.B. No. 2416, S.D. 2	173.	S.B. No. 2576, S.D. 2	219.	S.B. No. 2703, S.D. 1
128.	S.B. No. 2424, S.D. 2	174.	S.B. No. 2580, S.D. 1	220.	S.B. No. 2704, S.D. 2
129.	S.B. No. 2427, S.D. 2	175.	S.B. No. 2581, S.D. 1	221.	S.B. No. 2705, S.D. 2
130.	S.B. No. 2428, S.D. 1	176.	S.B. No. 2585, S.D. 2	222.	S.B. No. 2710, S.D. 1
131.	S.B. No. 2434, S.D. 1	177.	S.B. No. 2586, S.D. 2	223.	S.B. No. 2711, S.D. 1
132.	S.B. No. 2436, S.D. 2	178.	S.B. No. 2594, S.D. 2	224.	S.B. No. 2714, S.D. 1
133.	S.B. No. 2461, S.D. 1	179.	S.B. No. 2598, S.D. 2	225.	S.B. No. 2715
134.	S.B. No. 2472, S.D. 2	180.	S.B. No. 2600, S.D. 2	226.	S.B. No. 2717, S.D. 2
135.	S.B. No. 2474, S.D. 2	181.	S.B. No. 2601, S.D. 2	227.	S.B. No. 2719, S.D. 1
136.	S.B. No. 2476, S.D. 2	182.	S.B. No. 2602, S.D. 1	228.	S.B. No. 2734, S.D. 2
137.	S.B. No. 2479, S.D. 2	183.	S.B. No. 2603, S.D. 2	229.	S.B. No. 2735, S.D. 2
138.	S.B. No. 2488, S.D. 2	184.	S.B. No. 2604, S.D. 2	230.	S.B. No. 2738, S.D. 1
139.	S.B. No. 2489, S.D. 2	185.	S.B. No. 2609, S.D. 1	231.	S.B. No. 2740, S.D. 1
140.	S.B. No. 2490, S.D. 1	186.	S.B. No. 2610, S.D. 1	232.	S.B. No. 2742, S.D. 1
141.	S.B. No. 2491, S.D. 2	187.	S.B. No. 2612, S.D. 1	233.	S.B. No. 2744, S.D. 2
142.	S.B. No. 2493, S.D. 2	188.	S.B. No. 2614, S.D. 2	234.	S.B. No. 2746, S.D. 1
143.	S.B. No. 2494, S.D. 2	189.	S.B. No. 2619, S.D. 2	235.	S.B. No. 2747, S.D. 2
144.	S.B. No. 2496, S.D. 1	190.	S.B. No. 2620, S.D. 1	236.	S.B. No. 2748, S.D. 2
145.	S.B. No. 2497, S.D. 1	191.	S.B. No. 2638, S.D. 1	237.	S.B. No. 2749, S.D. 2
146.	S.B. No. 2498, S.D. 2	192.	S.B. No. 2643, S.D. 1	238.	S.B. No. 2751, S.D. 2
147.	S.B. No. 2501, S.D. 2	193.	S.B. No. 2644, S.D. 2	239.	S.B. No. 2752, S.D. 2
148.	S.B. No. 2504, S.D. 2	194.	S.B. No. 2645, S.D. 2	240.	S.B. No. 2753
149.	S.B. No. 2507, S.D. 2	195.	S.B. No. 2646, S.D. 1	241.	S.B. No. 2756, S.D. 1
150.	S.B. No. 2508, S.D. 1	196.	S.B. No. 2648, S.D. 2	242.	S.B. No. 2757, S.D. 2
151.	S.B. No. 2511, S.D. 2	197.	S.B. No. 2650, S.D. 2	243.	S.B. No. 2758, S.D. 2
152.	S.B. No. 2514, S.D. 1	198.	S.B. No. 2653, S.D. 1	244.	S.B. No. 2761, S.D. 2
153.	S.B. No. 2515, S.D. 2	199.	S.B. No. 2654, S.D. 2	245.	S.B. No. 2764, S.D. 2
154.	S.B. No. 2520, S.D. 1	200.	S.B. No. 2655, S.D. 2	246.	S.B. No. 2765, S.D. 1
155.	S.B. No. 2521, S.D. 1	201.	S.B. No. 2656, S.D. 2	247.	S.B. No. 2766, S.D. 2
156.	S.B. No. 2522, S.D. 1	202.	S.B. No. 2658, S.D. 1	248.	S.B. No. 2767, S.D. 2
157.	S.B. No. 2523, S.D. 1	203.	S.B. No. 2660	249.	S.B. No. 2770, S.D. 1
158.	S.B. No. 2524, S.D. 1	204.	S.B. No. 2661, S.D. 2	250.	S.B. No. 2773, S.D. 2
159.	S.B. No. 2525, S.D. 2	205.	S.B. No. 2662, S.D. 2	251.	S.B. No. 2774, S.D. 1
160.	S.B. No. 2531, S.D. 1	206.	S.B. No. 2663, S.D. 2	252.	S.B. No. 2777, S.D. 1
161.	S.B. No. 2549, S.D. 1	207.	S.B. No. 2664, S.D. 1	253.	S.B. No. 2778, S.D. 1
162.	S.B. No. 2556, S.D. 1	208.	S.B. No. 2665, S.D. 1	254.	S.B. No. 2779, S.D. 2
163.	S.B. No. 2559, S.D. 2	209.	S.B. No. 2666, S.D. 2	255.	S.B. No. 2782, S.D. 1
164.	S.B. No. 2561, S.D. 2	210.	S.B. No. 2667, S.D. 1	256.	S.B. No. 2784, S.D. 2
165.	S.B. No. 2563, S.D. 1	211.	S.B. No. 2668, S.D. 1	257.	S.B. No. 2786, S.D. 2
166.	S.B. No. 2565, S.D. 2	212.	S.B. No. 2671, S.D. 2	258.	S.B. No. 2788, S.D. 2
167.	S.B. No. 2567, S.D. 2	213.	S.B. No. 2672, S.D. 1	259.	S.B. No. 2790, S.D. 2
168.	S.B. No. 2569, S.D. 1	214.	S.B. No. 2674, S.D. 1	260.	S.B. No. 2791, S.D. 2
169.	S.B. No. 2571, S.D. 2	215.	S.B. No. 2675, S.D. 1	261.	S.B. No. 2792, S.D. 2
170.	S.B. No. 2572, S.D. 2	216.	S.B. No. 2676, S.D. 1	262.	S.B. No. 2793, S.D. 2
171.	S.B. No. 2573, S.D. 1	217.	S.B. No. 2677, S.D. 2	263.	S.B. No. 2798, S.D. 2

264. S.B. No. 2799, S.D. 1	300. S.B. No. 2897, S.D. 2	336. S.B. No. 3006, S.D. 2
265. S.B. No. 2800, S.D. 2	301. S.B. No. 2902, S.D. 2	337. S.B. No. 3008, S.D. 2
266. S.B. No. 2801, S.D. 2	302. S.B. No. 2903, S.D. 1	338. S.B. No. 3014, S.D. 1
267. S.B. No. 2803, S.D. 2	303. S.B. No. 2904, S.D. 1	339. S.B. No. 3023, S.D. 2
268. S.B. No. 2805	304. S.B. No. 2905, S.D. 2	340. S.B. No. 3024, S.D. 2
269. S.B. No. 2811, S.D. 1	305. S.B. No. 2906, S.D. 1	341. S.B. No. 3025, S.D. 1
270. S.B. No. 2812, S.D. 1	306. S.B. No. 2909, S.D. 2	342. S.B. No. 3027, S.D. 2
271. S.B. No. 2817, S.D. 1	307. S.B. No. 2910, S.D. 2	343. S.B. No. 3028, S.D. 1
272. S.B. No. 2819, S.D. 1	308. S.B. No. 2911, S.D. 2	344. S.B. No. 3029, S.D. 1
273. S.B. No. 2820, S.D. 1	309. S.B. No. 2913, S.D. 1	345. S.B. No. 3030, S.D. 1
274. S.B. No. 2821, S.D. 1	310. S.B. No. 2914, S.D. 1	346. S.B. No. 3031, S.D. 2
275. S.B. No. 2822, S.D. 1	311. S.B. No. 2919, S.D. 2	347. S.B. No. 3033, S.D. 1
276. S.B. No. 2828, S.D. 2	312. S.B. No. 2922, S.D. 1	348. S.B. No. 3034, S.D. 2
277. S.B. No. 2831, S.D. 2	313. S.B. No. 2924, S.D. 2	349. S.B. No. 3037, S.D. 1
278. S.B. No. 2832, S.D. 2	314. S.B. No. 2925, S.D. 1	350. S.B. No. 3038, S.D. 2
279. S.B. No. 2833, S.D. 1	315. S.B. No. 2926, S.D. 1	351. S.B. No. 3044, S.D. 2
280. S.B. No. 2839, S.D. 2	316. S.B. No. 2928, S.D. 2	352. S.B. No. 3048, S.D. 2
281. S.B. No. 2843, S.D. 1	317. S.B. No. 2930, S.D. 2	353. S.B. No. 3049, S.D. 1
282. S.B. No. 2845, S.D. 2	318. S.B. No. 2938, S.D. 1	354. S.B. No. 3057, S.D. 1
283. S.B. No. 2846, S.D. 2	319. S.B. No. 2939, S.D. 2	355. S.B. No. 3058, S.D. 2
284. S.B. No. 2848, S.D. 1	320. S.B. No. 2943, S.D. 2	356. S.B. No. 3064, S.D. 1
285. S.B. No. 2849, S.D. 1	321. S.B. No. 2951, S.D. 1	357. S.B. No. 3068, S.D. 2
286. S.B. No. 2851, S.D. 1	322. S.B. No. 2955, S.D. 2	358. S.B. No. 3070, S.D. 2
287. S.B. No. 2854, S.D. 1	323. S.B. No. 2965, S.D. 1	359. S.B. No. 3077, S.D. 2
288. S.B. No. 2858, S.D. 2	324. S.B. No. 2968, S.D. 1	360. S.B. No. 3079, S.D. 1
289. S.B. No. 2861, S.D. 2	325. S.B. No. 2969, S.D. 2	361. S.B. No. 3082, S.D. 1
290. S.B. No. 2863, S.D. 2	326. S.B. No. 2972, S.D. 2	362. S.B. No. 3083, S.D. 1
291. S.B. No. 2865, S.D. 1	327. S.B. No. 2974, S.D. 2	363. S.B. No. 3086, S.D. 1
292. S.B. No. 2866, S.D. 1	328. S.B. No. 2977, S.D. 2	364. S.B. No. 3087, S.D. 2
293. S.B. No. 2879, S.D. 2	329. S.B. No. 2988, S.D. 2	365. S.B. No. 3088, S.D. 2
294. S.B. No. 2886, S.D. 1	330. S.B. No. 2989, S.D. 2	366. S.B. No. 3090, S.D. 2
295. S.B. No. 2887, S.D. 1	331. S.B. No. 2990, S.D. 2	367. S.B. No. 3097, S.D. 2
296. S.B. No. 2890, S.D. 2	332. S.B. No. 2992, S.D. 1	368. S.B. No. 3099, S.D. 2
297. S.B. No. 2891, S.D. 1	333. S.B. No. 2999, S.D. 1	369. S.B. No. 3100, S.D. 1
298. S.B. No. 2894, S.D. 2	334. S.B. No. 3000, S.D. 2	370. S.B. No. 3104, S.D. 2
299. S.B. No. 2896, S.D. 1	335. S.B. No. 3001, S.D. 2	371. S.B. No. 3107, S.D. 1

OFFICE OF THE SPEAKER  
TWENTY-NINTH STATE LEGISLATURE

**COMMITTEE REFERRALS**

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NO. 36  
26TH LEGISLATIVE DAY-MARCH 8, 2018

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Committee Abbreviations:

AGR - Agriculture	LAB - Labor & Public Employment
CPC - Consumer Protection & Commerce	LMG - Legislative Management
EDB - Economic Development & Business	OMH - Ocean, Marine Resources, & Hawaiian Affairs
EDN - Education	PBS - Public Safety
EEP - Energy & Environmental Protection	TOU - Tourism
FIN - Finance	TRN - Transportation
HED - Higher Education	VMI - Veterans, Military, & International Affairs, & Culture and the Arts
HHS - Health & Human Services	WAL - Water & Land
HSG - Housing	
IAC - Intrastate Commerce	
JUD - Judiciary	

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**Committee  
REFERRAL**

SB2601, SD2

RELATING TO PROCUREMENT.

LAB, FIN

Requires procurement officers to complete periodic performance evaluations of certain contractors. Establishes factors to be included in any evaluation, consideration, or review of past performance, and ratings standards for those factors. Requires past performance to be factored into future bid selection of contractors for certain contracts. Requires past performance to be considered in all sole source procurement and any competitive sealed contracts that exceeds the small purchase threshold. Appropriates funds. Effective 7/1/2050. (SD2)

**Committee**  
**REFERRAL**

<u>SB2851, SD1</u>	RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS. Amends or repeals various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, and deleting obsolete or unnecessary provisions. Effective 7/1/2035. (SD1)	JUD
<u>SB2854, SD1</u>	RELATING TO MOPEDS. Establishes a fine not to exceed \$100 for mopeds owners who fail to comply with moped registration requirements. Effective 7/1/2035. (SD1)	TRN, JUD
<u>SB2858, SD2</u>	RELATING TO PUBLIC SAFETY. Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports. Effective 7/1/2050. (SD2)	PBS, FIN
<u>SB2861, SD2</u>	RELATING TO PUBLIC SAFETY. Requires the Department of Public Safety to establish performance indicators. Requires semi-annual reports of the established performance indicators, criminal offender treatment programs, and programs established pursuant to the Community Safety Act. Effective 7/1/2050. (SD2)	PBS, FIN
<u>SB2863, SD2</u>	RELATING TO THE PENAL CODE. Establishes the offense of criminal property damage to property of another holding historical significance to Native Hawaiians. Defines "property of another holding historical significance to Native Hawaiians" as a tangible object, structure, or real property that has been determined to be of cultural or historical significance to Native Hawaiians as determined by experts in traditional Native Hawaiian customs and practices in the district where the property is located. Effective 7/1/2050. (SD2)	OMH, JUD, FIN



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Aloha chair nishihara, vice chair wakai, and members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

The Young Progressives Demanding Action – Hawai‘i **strongly support** both SB 2858 & SB 2861. Both of these bills are steps toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

The overall direction this committee is leading the State of Hawai‘i when it comes to criminal justice reform is good. Many of the bills that have been introduced this session give us hope. In particular, bills aimed at assessing and reforming pretrial and effective incarceration practices must be supported. However, without specific data, task forces currently looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this committee to act on.

Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai‘i should join this “smart justice” approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

Will Caron



Social Justice Action Committee Chair  
Young Progressives Demanding Action – Hawai‘i

**SB-2858**

Submitted on: 1/28/2018 7:27:51 PM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	No

Comments:

Please pass this impotant bill on metrics.

Mahalo

Henry Curtis

Executive Director

Life of the Land

**SB-2858**

Submitted on: 1/29/2018 12:19:14 PM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi		Support	No

Comments:

Aloha Senators Nishihara (Chair), Wakai (Vice Chair) and Committee members

Thank you for hearing SB2858. This bill is sorely needed and the intent is good, but i'm not quite sure of some aspects of the bill.

I will be attending the meeting.

Mahalo for the opportunity to submit my testimony.

Aloha and a hui hou,

e. ileina funakoshi

**LATE**

THE SENATE  
TWENTY-NINTH LEGISLATURE, 2018  
STATE OF HAWAII

**S.B. NO. 2858**

JAN 24 2018

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## A BILL FOR AN ACT

---

RELATING TO PUBLIC SAFETY.

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

1       SECTION 1. Act 8, First Special Session Laws of Hawaii  
2       2007 (Act 8), enacted the Community Safety Act, which was  
3       codified as chapter 353H, Hawaii Revised Statutes. The  
4       Community Safety Act established a comprehensive offender  
5       reentry system under the purview of the department of public  
6       safety. Act 8 also required the department of public safety to  
7       submit to the legislature annual reports through 2010 relating  
8       to the implementation, progress, and effectiveness of the  
9       program components specified in Act 8.

10       While the department of public safety's annual report lists  
11       program activities and statistics, it does not include  
12       information on program outcomes. The legislature finds that  
13       performance indicators are an effective way to track the  
14       progress of the comprehensive reentry system and to reflect any  
15       change to the department's approach to rehabilitation and  
16       reentry as mandated by Act 8.

17       The purpose of this Act is to:



**LATE**

**S.B. NO. 2858**

(1) Require the department of public safety to establish key performance indicators or measures to be incorporated in reports that evaluate the department's efforts to improve offender reentry and rehabilitation; and

(2) Consolidate into one report other specified reports of the department of public safety.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§353- Annual corrections and program report. (a) No later than twenty days prior to the convening of each regular session, beginning with the regular session of 2019, the department shall submit an annual corrections and program report, among other reports that may be required from time to time, that consolidates into one report the reports required by the following laws:

(1) Act 144, Session Laws of Hawaii 2007, section 4, relating to mental health services for committed persons;



**LATE****S.B. NO. 2858**

1        (2) Act 213, Session Laws of Hawaii 2007, section 105,  
2        relating to mental health services at certain  
3        correctional facilities;  
4        (3) Act 240, Session Laws of Hawaii 2008, section 5,  
5        relating to children of incarcerated persons;  
6        (4) Act 193, Session Laws of Hawaii 2010, relating to  
7        cognitive restructuring;  
8        (5) Section 353H- , relating to key performance  
9        indicators; and  
10       (6) Section 367D-8, relating to gender-responsive programs  
11       for women;  
12       provided that the repeal or expiration of any individual  
13       reporting requirement described in paragraphs (1) through (6)  
14       shall not repeal or otherwise affect the department's duty to  
15       submit the same report pursuant to this section.

16       (b) The department shall post the report electronically on  
17       the department's website in a timely manner."

18       SECTION 3: Chapter 353H, Hawaii Revised Statutes, is  
19       amended by adding a new section to be appropriately designated  
20       and to read as follows:



# LATE

S.B. NO. 2858

"§353H- Key performance indicators; reporting. (a)

The department shall develop key performance indicators that accurately reflect progress toward specific goals, including:

(1) Reducing the rate of recidivism;

(2) Decreasing prisoner assaults on correctional staff;

(3) Reducing correctional staff turnover; and

(4) Improving departmental efficiencies in staffing,  
budgeting, and data management and analysis.

(b) The department shall submit a report to the

legislature no later than twenty days prior to the convening of  
each regular session, beginning with the regular session of  
2019. Each report shall reference key performance indicators  
for that period that track rehabilitation and reentry efforts  
for individuals who are prepared to exit the correctional  
system.

(c) The key performance indicators shall include:

(1) The total number of intakes, by month, including how  
many intakes in each month have been in the system  
within the last year; and the last five years;



# LATE

S.B. NO. 2858

populations counts by facility for each month of the year.

- (2) Offender demographics, including gender, race, age, crime type, and whether the offender was placed in jail or prison;
- (3) The number of individuals who have obtained a high school diploma by successfully completing the general educational development test or an equivalent competency-based diploma;
- (4) The number of individuals who received vocational training or rehabilitation and the type of vocational training or rehabilitation;  
                ✓and/                ✓programming:  
  ✓assessed
- (5) The number of inmates with substance abuse problems, including the type of dependence or addiction, the total number of inmates with substance abuse problems, and the total number of inmates with no reported substance issues;  
  ✓assessed
- (6) Drug test failure rates of inmates while incarcerated and while on parole;
- (7) The number of individuals who have completed a drug treatment program provided by the department;
- (8) The number of individuals who have completed drug education classes and outpatient treatment services; restorative circles;





# LATE

S.B. NO. 2858

(9) The cost per inmate per day, per facility;

(10) The median length of stay, excluding inmates who have  
life or parole sentences;

W by max out or parole

(11) The total number of inmates released, by month;

The number of those who applied for Reduction of Minimum inclusive of approval or

(12) The number of individuals for whom a reentry plan is

filed and the number of individuals who exit jail or

prison with a reentry plan; and

(13) The prison population forecast for the next decade.

(d) The department shall post the reports electronically

on the department's website in a timely manner."

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Clarence W. Fishburn

Rosely H. Bahr

Will Geo



**LATE**

**S.B. NO. 2858**

**Report Title:**

Inmate Rehabilitation; Reentry System; Performance Indicators

**Description:**

Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports.

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



**LATE**

## COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



### COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, January 30, 2018

1:15 pm

Room 229

### STRONG SUPPORT SB 2858 - DATA

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB2858 requires the Department of Public Safety to establish key performance indicators for inmate reentry system, reports, using key performance indicators, to be provided to the legislature, and creates the annual corrections and program report as a consolidated report of other annual reports.

Community Alliance on Prisons is in strong support of this measure and any bill or resolution that mandates transparency and open access to data.

The department does file lots of reports every year with the legislature. Please mandate that these are not the usual "cut and paste" say-nothing reports for which this department is known. Open access means that the community has quick access to raw data.

The only way for a department to improve its services is to track how they are doing. If the legislature and the community do not have access to data, then we have the current situation - a dysfunctional department that operates in secret with zero accountability.

Community Alliance on Prisons urges the committee to support this measure.

*"Integrity is the lifeblood of democracy, Deceit is a poison in its veins."*

Edward Kennedy



Hawai'i

**LATE**

Committee: Committee on Public Safety, Intergovernmental, and Military Affairs  
Hearing Date/Time: Tuesday, January 30, 1:15 p.m.  
Place: Conference Room 229

Re: Testimony of the ACLU of Hawai'i in support of S.B. 2861 and S.B. 2858,  
Relating to Establishing Key Performance Indicators

Dear Chair Nishihara, Vice Chair Wakai, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

The American Civil Liberties Union of Hawai'i writes in **strong support** of S.B. 2861 and S.B. 2858, which require the Department of Public Safety ("**DPS**") to, among other things, develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies. We support these measures, because clear performance metrics are important not only to public safety but also to transparency, efficiency, and accountability.

S.B. 2861 and S.B. 2858 also require that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, length of stay, etc. One of the barriers to meaningful and evidence-based criminal and correctional reform in Hawai'i is lack of relevant data. Therefore, we respectfully request that your Committee amend both bills to clearly require DPS to publish all data for all performance measures and all key performance indicators on at least a quarterly basis. We also request that your Committee amend both bills to require DPS to include the following key performance indicators concerning pretrial detention:

(1) number of pretrial detainees by type of crime, bail amount, risk assessed, gender, race, and age, (2) number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age, (3) number of pretrial detainees released or discharged each month and reason for release or discharge by type of crime, bail amount, risk assessed, gender, race, and age, (4) average length of stay for pretrial detainees by reason for release/discharge, type of crime, amount, risk assessed, gender, race, and age, (5) number of pretrial detainees held on cash bail by type of crime, bail amount, risk assessed, gender, race, and age, (6) average length of time for completing and verifying pretrial risk assessment by type of crime, amount, risk assessed, gender, race, and age, and (7) number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age. This data will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawai'i's pretrial detention system as we all weigh important decisions about the future of pretrial

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**LATE**

January 30, 2018  
Page 2 of 2

detention in Hawai'i and the Oahu Community Correctional Center, which currently holds about 559 pretrial detainees, including 74 detainees accused only of a misdemeanor.

Thank you for the opportunity to testify.

Sincerely,



Mateo Caballero  
Legal Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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**LATE**

**SB-2858**

Submitted on: 1/30/2018 11:15:08 AM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota		Support	No

Comments:

Hawai'i Justice Coalition supports this bill as it would increase two important oversight goals: increasing transparency and accountability within the Department of Public Safety - by requiring PSD to develop performance measures to track process in decreasing prisoner assaults, reducing staff turnover, improving recidivism rates.

In addition, this bill would require PSD to track meaningful data that is essential to enacting comprehensive criminal justice reform. Other jurisdictions that have successful implemented Smart Justice policies consistently review data to measure success, and identify areas for improvement.

Please pass SB 2858.

Submitted on behalf of: Hawai'i Justice Coalition

**SB-2858-SD-1**

Submitted on: 2/17/2018 11:01:13 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Senator Donovan DelaCruz, Chair

Senator Gil Keith-Agaran, Vice Chair

Friday, February 23, 2018

10:00 am

Room 211

### SB 2858 SD1 - PERFORMANCE INDICATORS FOR REENTRY = SUPPORT

Aloha Chair DelaCruz, Vice Chair Keith-Agaran and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY, and the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2858 SD1 requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports. (SD1)

Community Alliance on Prisons is in strong support of this measure and any bill or resolution that mandates transparency and open access to data.

The department does file lots of reports every year with the legislature. This great bill consolidates the reports and instead requires reporting on specific programs and that they are gender-responsive, as well as specifics contained in Chapter 353H - Hawai'i's reentry law - The Community Safety Act. This requirement will ensure that the usual "cut and paste" reports will actually be useful documents for policymakers and the public. Open access means that policymakers and the community have quick access to raw data. The only way for a department to improve its services is to track how they are doing.

If the legislature and the community do not have access to data, then we have the current situation - a department that operates in secret with zero accountability. Community Alliance on Prisons urges the committee to support this measure.

*"Integrity is the lifeblood of democracy, Deceit is a poison in its veins."*

Edward Kennedy





Hawai'i

Committee: Committee on Ways and Means  
Hearing Date/Time: Friday, February 23, 10 a.m.  
Place: Conference Room 211  
Re: Testimony of the ACLU of Hawai'i in support of S.B. 2858, S.D. 1,  
Relating to Establishing Key Performance Indicators

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee members:

The American Civil Liberties Union of Hawai'i writes in **strong support** of S.B. 2858, S.D. 1, which requires the Department of Public Safety ("DPS") to, among other things, develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies. We support these measures, because clear performance metrics are important not only to public safety but also to transparency, efficiency, and accountability.

S.B. 2858 also requires that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, length of stay, and pretrial detention. Requiring DPS to provide data on these indicators is important because lack of data is one of the barriers to meaningful and evidence-based criminal and correctional reform in Hawai'i. Significantly, the pretrial detention data to be published under this bill will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawaii's pretrial detention system. This in turn is critical to the future of jails in Hawai'i, such as the Oahu Community Correctional Center, which currently holds about 576 pretrial detainees, including 88 **pretrial** detainees who have only been accused of a misdemeanor.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Mateo Caballero".

Mateo Caballero  
Legal Director  
ACLU of Hawai'i

American Civil Liberties Union of Hawai'i  
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February 23, 2018

Page 2 of 2

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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**SB-2858-SD-1**

Submitted on: 2/21/2018 10:04:10 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES**

**DEMOCRATIC PARTY OF HAWAI'I**

**THE COMMITTEE ON WAYS AND MEANS**

**THE SENATE**

**TWENTY-NINTH LEGISLATURE**

**REGULAR SESSION OF 2018**

**Friday, February 23, 2018**

**10:00 AM**

**Hawaii State Capitol, Conference Room 211**

**RE: Testimony in Support of SB2858 SD1 RELATING TO PUBLIC SAFETY**

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2858 SD1, relating to Inmate Rehabilitation; Reentry System; and Performance Indicators.

The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2858 SD1 and support its passage.

Senate Bill No. 2858 SD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the Department of Public Safety to establish key performance indicators for inmate reentry system; requires reports, using key performance indicators, to be provided to the legislature; and creates the annual corrections and program report as a consolidated report of other annual reports.

The DPH Platform states that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited." (Platform of the DPH, P. 5, Lines 273-278 (2016)).

Given that Senate Bill No. 2858 SD1 requires the Department of Public Safety to establish key performance indicators for inmate reentry system; requires reports, using key performance indicators, to be provided to the legislature; and creates the annual corrections and program report as a consolidated report of other annual reports, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

**SB-2858-SD-1**

Submitted on: 2/22/2018 9:55:04 AM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

Strong support for SB1258.

Since i'm late in submitting my support. May i humbly ask the committee to approve SB2858 SD1 which is badly needed to help the inmates so they will not fail on their attempt to enter the "outside world."

**SB-2858-SD-1**

Submitted on: 2/22/2018 9:58:09 AM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raquel Curtis	Individual	Support	No

Comments:

**SB-2858-SD-1**

Submitted on: 2/22/2018 9:52:35 AM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

## Comments:

I am testifying in STRONG SUPPORT of SB2858 SD1 (Inmate Rehabilitation; Reentry System; Performance Indicators) as we must have detailed data in order to assess how the system is working and where improvements can be made. This type of data is necessary in order for the public and citizens of Hawaii to have TRANSPARENCY and access to how our taxpayer dollars are being utilized, our people under the care of the state are faring, and how department functions can be improved.

Mahalo-

Raelyn Reyno Yeomans

**SB-2858-SD-1**

Submitted on: 2/21/2018 9:55:53 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

I strongly support SB2858 that would require the Department of Public Safety to establish and report performance measures for pre-trial detainees, drug addition, mental health and effectiveness of pre-release efforts. This data has not been available to the public, although we pay for DPS operations. It is time for this secrecy to end. This data is needed by DPS itself, to improve its operations, as well as by the legislature and the public.

I urge you to pass SB2858 SD1 as is.



DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**NOLAN P. ESPINDA**  
DIRECTOR

Cathy Ross  
Deputy Director  
Administration

Jodie F. Maesaka-Hirata  
Deputy Director  
Corrections

Renee R. Sonobe Hong  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2858, SENATE DRAFT 1  
RELATING TO PUBLIC SAFETY  
AND  
SENATE BILL 2861, SENATE DRAFT 1  
RELATING TO PUBLIC SAFETY  
by  
Nolan P. Espinda, Director  
Department of Public Safety



Senate Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, February 23, 2018; 10:00 a.m.  
State Capitol, Conference Room 211

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2858, Senate Draft (SD) 1 and Senate Bill (SB) 2861, Senate Draft (SD) 1 and offers the following comments.

The Department notes that because of the similarities between the two bills, the Committee may wish to combine and streamline the two measures to eliminate the substantial overlap.

The bills' main area of concern appears to be PSD's Reentry program. The Department fully recognizes this concern and agrees, as it is the most important program area aimed at successfully returning inmates to our communities to be law-abiding, productive citizens. In response to the Justice Reinvestment Initiative and learning from national best practices, PSD's Reentry Coordination Office (RCO) has gone through a massive overhaul over the past two years. After staffing up, it has been working intensively to build upon existing

programs to develop a comprehensive program that energizes facilities' staff to effectively deliver the necessary support and services to inmates as they transition back to our communities.

Given the current circumstances, scrutinizing the RCO with a battery of performance indicators may be premature at this time. There is simply insufficient data to be studied. The Department cannot agree more with the value of program evaluation, but believes it would be more effective if it is used as a diagnostic tool, with the goal of enhancing programs for the benefit of those it serves. PSD respectfully recommends that the Department's annual reporting to the Legislature include a more robust report on the Reentry program which describes program elements and presents performance indicators specific to each element, together with a section of recommended program enhancements, all towards the goal of continual improvement to benefit inmates and our communities.

PSD would also be interested in exploring the idea of consolidating, wherever possible, its reports to the Legislature. However, this would be a large internal undertaking involving many staff and data collection protocols. The Department also notes that the time required for extensive data collection takes staff away from performing their regular duties and would like to request that funds be appropriated to hire staff for the data and reporting functions.

Thank you for the opportunity to present this testimony.



**SB2858 SD1**  
**RELATING TO PUBLIC SAFETY**  
**Senate Committee on Ways and Means**

February 23, 2018

10:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2858 SD1, which would require the Department of Public Safety (PSD) to collect, aggregate, and publicly report data relating to key enumerated performance indicators. **This measure would promote important legislative and community oversight, and provide information that may be critical to the enactment of much-needed reforms to our criminal justice system.**

Decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent, between 1977 and today, our incarcerated population increased by 1,400 percent.<sup>1</sup> The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our prison population today.<sup>2</sup> Moreover, this overrepresentation of Native Hawaiians in the criminal justice system indicates larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.<sup>3</sup> **Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that can improve public safety, effectively rehabilitate pa'ahao, reduce recidivism, and save taxpayer dollars.**<sup>4</sup>

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<sup>1</sup>THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at [http://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf).

<sup>2</sup> In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36.

<sup>3</sup> OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." (at pg. 10) Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

<sup>4</sup> The NHJTF recommended several options to address systemic issues resulting in overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu'uhonua and bolstering reintegration programs and services to better prevent recidivism. *Id.* at 27-30.

The Native Hawaiian Justice Task Force, in its 2012 report, found that data collection, integration, and infrastructure needed to be improved at various levels of the criminal justice system.<sup>5</sup> The Task Force noted that an analysis of additional control variables "would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system."<sup>6</sup> Consistent with the Task Force's report, this measure will help to provide robust and comprehensive data, which can inform the exploration, development, and implementation of policies and programs that meaningfully address the costly and growing impacts of our criminal justice system on Native Hawaiians and the larger community.

Therefore, OHA respectfully requests that the Committee PASS SB2858 SD1. Mahalo for the opportunity to testify on this measure.

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<sup>5</sup> OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012) at 8, *available at* [http://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>6</sup> *Id.*

# HAWAII JUSTICE COALITION

Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Friday, February 23, 2018  
10:00 A.M. in Room 211

**LATE**

RE: Support SB 2858, SD 1 Relating to Public Safety (Performance Measures)

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Committee Members:

Hawai'i Justice Coalition is a grassroots education and advocacy coalition comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. We believe that comprehensive criminal justice reform makes fiscal sense, and builds safe and healthy communities.

When analyzing proposed criminal justice legislation, we implore policy makers to evaluate each bill from a systems thinking approach with two overarching principles in mind:

- Criminal justice policies, NOT crime rates, are the prime drivers of changes in jail and prison population.
- Other states have proven that it is possible to substantially reduce the incarcerated population, and save money, without compromising public safety.

States that have successfully reduced its incarcerated population consistently review data analysis and then discuss policy options. SB 2858 would require the Department of Public Safety to establish key performance indicators for the inmate reentry system. In addition, this bill would requires reports, using key performance indicators, to be provided to the legislature.

Hawai'i Justice Coalition supports this bill as it would increase two important oversight goals: increasing transparency and accountability within the Department of Public Safety. For these reasons, please pass SB2858, SD1!

Sincerely,  
Carrie Ann Shirota, JD  
Hawai'i Justice Coalition  
[www.hi.justice.org](http://www.hi.justice.org)  
[cashirota808@gmail.com](mailto:cashirota808@gmail.com)



**LATE**

**SB-2858-SD-1**

Submitted on: 2/22/2018 2:56:07 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'imi Nicholson	Testifying for Aloha Light Team	Support	No

Comments:

It's vital to have data on program outcomes in order to design systems that best heal our troubled citizens & protect public safety. Mahalo for supporting rational & caring services for the well-being of all!

**LATE**

**SB-2858-SD-1**

Submitted on: 2/22/2018 5:29:03 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Individual	Support	No

Comments:



**LATE**

**SB-2858-SD-1**

Submitted on: 2/22/2018 12:38:17 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

I support rehabilitation and checking methods to improve the process

**SB-2858-SD-1**

Submitted on: 2/22/2018 7:12:51 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

**SB-2858-SD-1**

Submitted on: 2/22/2018 11:04:50 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Mendoza	Testifying for 808RAN	Support	No

Comments:

I support this Bill; accountability is critical to our success! Our efforts to accomplish true reform must be documented, analyzed, researched and updated consistently.

Sophia Mendoza

**LATE**



# **YOUNG PROGRESSIVES DEMANDING ACTION**

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Aloha Chair Dela Cruz and members of the Senate Ways and Means Committee,

The members of the Young Progressives Demanding Action – Hawai‘i **strongly support** both SB 2858 & SB 2861. Both of these bills are steps toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

The overall direction this committee is leading the State of Hawai‘i when it comes to criminal justice reform is good. Many of the bills that have been introduced this session give us hope. In particular, bills aimed at assessing and reforming pretrial and effective incarceration practices must be supported. However, without specific data, task forces currently looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this committee to act on.

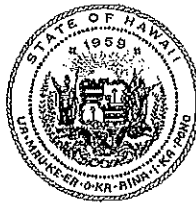
Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai‘i should join this “smart justice” approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

Will Caron

Social Justice Action Committee Chair  
Young Progressives Demanding Action – Hawai‘i

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

NOLAN P. ESPINDA  
DIRECTOR

Cathy Ross  
Deputy Director  
Administration

Jodie F. Maesaka-Hirata  
Deputy Director  
Corrections

Renee R. Sonobe Hong  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2858, SENATE DRAFT 2  
RELATING TO PUBLIC SAFETY  
AND  
SENATE BILL 2861, SENATE DRAFT 2  
RELATING TO PUBLIC SAFETY  
by  
Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Gregg Takayama, Chair  
Representative Cedric Asuega Gate, Vice Chair

Thursday, March 15, 2018; 10:30 a.m.  
State Capitol, Conference Room 312

Chair Takayama, Vice Chair Gates, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2858, Senate Draft (SD) 2 and Senate Bill (SB) 2861, Senate Draft (SD) 2 and offers the following comments.

The Department notes that because of the similarities between the two bills, the Committee may wish to combine and streamline the two measures to eliminate the substantial overlap.

The bills' main area of concern appears to be PSD's Reentry program. The Department fully recognizes this program, aimed at returning inmates to our communities to be law-abiding, productive citizens, to be its most important program area and has concentrated additional resources and efforts into increasing its success. In response to the Justice Reinvestment Initiative and learning from national best practices, PSD's Reentry Coordination Office (RCO)

has gone through a massive overhaul over the past two years. After staffing up, it has been working intensively to build upon existing programs to develop a comprehensive program that energizes facilities' staff to effectively deliver the necessary support and services to inmates as they transition back to our communities.

Given the current circumstances, scrutinizing the RCO with a battery of performance indicators may be premature at this time. There is simply insufficient data to be studied. The Department cannot agree more with the value of program evaluation, but believes it would be more effective if it is used as a diagnostic tool, with the goal of enhancing programs for the benefit of those it serves. PSD respectfully recommends that the Department's annual reporting to the Legislature include a more robust report on the Reentry program which describes program elements and presents performance indicators specific to each element, together with a section of recommended program enhancements, all towards the goal of continual improvement to benefit inmates and our communities.

PSD would also be interested in exploring the idea of consolidating, wherever possible, its reports to the Legislature. However, this would be a large internal undertaking involving many staff and data collection protocols. The Department also notes that the time required for extensive data collection takes staff away from performing their program duties and would like to request that funds be appropriated to hire staff to take on the additional data and reporting functions.

Thank you for the opportunity to present this testimony.



**SB2858 SD2**  
**RELATING TO PUBLIC SAFETY**  
**House Committee on Public Safety**

March 15, 2018

10:30 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2858 SD2, which would require the Department of Public Safety (PSD) to collect, aggregate, and publicly report data relating to key enumerated performance indicators. **This measure would promote important legislative and community oversight, and provide information that may be critical to the enactment of much-needed reforms to our criminal justice system.**

Decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent, between 1977 and today, our incarcerated population increased by 1,400 percent.<sup>1</sup> The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our current prison population.<sup>2</sup> Moreover, this overrepresentation of Native Hawaiians in the criminal justice system indicates larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.<sup>3</sup> **Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that can improve public safety, effectively rehabilitate pa'ahao, reduce recidivism, and save taxpayer dollars.**<sup>4</sup>

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<sup>1</sup>THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at [http://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf).

<sup>2</sup> In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36.

<sup>3</sup> OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." (at pg. 10) Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

<sup>4</sup> The NHJTF recommended several options to address systemic issues resulting in overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu'uhonua and bolstering reintegration programs and services to better prevent recidivism. *Id.* at 27-30.



The Native Hawaiian Justice Task Force, in its 2012 report, found that data collection, integration, and infrastructure needed to be improved at various levels within the criminal justice system.<sup>5</sup> The Task Force noted that an analysis of additional control variables "would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system."<sup>6</sup> Consistent with the Task Force's report, this measure will help to provide robust and comprehensive data, which can inform the exploration, development, and implementation of policies and programs that meaningfully address the costly and growing impacts of our criminal justice system on Native Hawaiians and the larger community.

Therefore, OHA respectfully requests that the Committee PASS SB2858 SD2. Mahalo for the opportunity to testify on this measure.

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<sup>5</sup> OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012) at 8, available at [http://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>6</sup> *Id.*

**SB-2858-SD-2**

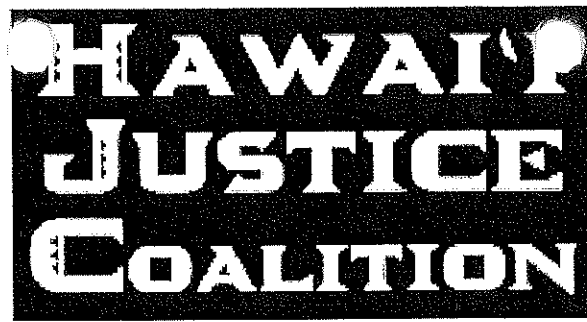
Submitted on: 3/13/2018 9:29:25 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

## Comments:

We continue to STRONGLY SUPPORT this bill, as the TAXPAYERS have a right to know how their TAX MONIES are being spent. Mahalo.



COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

Thursday, March 15, 2018 at 10:30 AM

Conference Room 312

RE: SUPPORT SB 2858, SD2 Public Safety (Performance Indicators)

Dear Chair Takayama, Vice Chair Gates and Members of the Committee:

Hawai'i Justice Coalition is a grassroots education and advocacy coalition comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. We believe that comprehensive criminal justice reform makes fiscal sense, and builds safe and healthy communities.

When analyzing proposed criminal justice legislation, we implore policy makers to evaluate each bill from a systems thinking approach with two overarching principles in mind:

- Criminal justice policies, NOT crime rates, are the prime drivers of changes in jail and prison population.
- Through comprehensive criminal justice reform policies, other states have proven that it is possible to substantially reduce the incarcerated population, and save money, without compromising public safety.

SB 2858 requires the Department of Public Safety to establish key performance indicators for inmate reentry system, and requires reports, using key performance indicators, to be provided to the legislature. As it stands, the Legislature has limited access to PSD data to effectively evaluate the cost-effectiveness of current policies, programs and services. Codifying these performance measures in statutes would increase accountability and transparency within the Department of Public Safety, and provide Legislators and community members with data to better assess the efficacy and cost-benefit analysis associated with PSD policies, programs and services.

Sincerely,

Carrie Ann Shirota, JD

Hawai'i Justice Coalition

[www.hi.justice.org](http://www.hi.justice.org)

[cashirota808@gmail.com](mailto:cashirota808@gmail.com)



# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, March 15, 2018

10:30 am

Room 312

### SB 2858 SD2 - PERFORMANCE INDICATORS FOR REENTRY = SUPPORT

Aloha Chair Takayama, Vice Chair Gates and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY, and the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2858 SD2 requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports.

Community Alliance on Prisons is in strong support of this measure and any bill or resolution that mandates transparency and open access to data.

The department does file lots of reports every year with the legislature. This great bill consolidates the reports and instead requires reporting on specific programs and that they are gender-responsive, as well as specifics contained in Chapter 353H - Hawai'i's reentry law - The Community Safety Act. This requirement will ensure that the usual "cut and paste" reports will actually be useful documents for policymakers and the public. Open access means that policymakers and the community have quick access to raw data. The only way for a department to improve its services is to track how they are doing.

If the legislature and the community do not have access to data, then we have the current situation - a department that operates in secret with zero accountability. Community Alliance on Prisons urges the committee to support this measure.

*"Some of the best theorizing comes after collecting data  
because then you become aware of another reality."*

Robert J. Shiller, Winner of the Nobel Prize in Economics

**SB-2858-SD-2**

Submitted on: 3/14/2018 10:05:56 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Gregg Takayama, Chair; the Honorable Cedric Asuega Gates, Vice-Chair, and Members of the House Committee on Public Safety:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2858 SD2**, relating to Inmate Rehabilitation; Reentry System; and Performance Indicators.

The OCC Legislative Priorities Committee is in favor of **SB2858 SD2** and support its passage.

**SB2858 SD2** is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the Department of Public Safety to establish key performance indicators for inmate reentry system; requires reports, using key performance indicators, to be provided to the legislature; and creates the annual corrections and program report as a consolidated report of other annual reports.

The DPH Platform states that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited." (Platform of the DPH, P. 5, Lines 273-278 (2016)).

Given that **SB2858 SD2** requires the Department of Public Safety to establish key performance indicators for inmate reentry system; requires reports, using key performance indicators, to be provided to the legislature; and creates the annual corrections and program report as a consolidated report of other annual reports, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

**LATE**



# **YOUNG PROGRESSIVES DEMANDING ACTION**

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Aloha Chair Takayama, Vice Chair Gates and members of the House Committee on Public Safety,

The members of the Young Progressives Demanding Action – Hawai‘i **strongly support** both SB2858 SD2 & SB2861 SD2. Both of these bills are steps toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

The overall direction this committee is leading the State of Hawai‘i when it comes to criminal justice reform is good. Many of the bills that have been introduced this session give us hope. In particular, bills aimed at assessing and reforming pretrial and effective incarceration practices must be supported. However, without specific data, task forces currently looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this committee to act on.

Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai‘i should join this “smart justice” approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

Will Caron

Social Justice Action Committee Chair  
Young Progressives Demanding Action – Hawai'i



**LATE**



Hawai'i

Committee: House Committee on Public Safety  
Hearing Date/Time: Thursday, March 15, 2018, 10:30 a.m.  
Place: Conference Room 312  
Re: Testimony of the ACLU of Hawai'i in support of S.B. 2858, S.D. 2,  
Relating to Establishing Key Performance Indicators

Dear Chair Takayama, Vice Chair Gates, and Committee Members:

The American Civil Liberties Union of Hawai'i writes in **strong support** of S.B. 2858, S.D. 2, which requires the Department of Public Safety ("**DPS**") to, among other things, develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies. We support these measures, because clear performance metrics are important not only to public safety but also to transparency, efficiency, and accountability.

S.B. 2858, S.D. 2, also requires that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, length of stay, etc. One of the barriers to meaningful and evidence-based criminal and correctional reform in Hawai'i is lack of relevant data. Therefore, we request that your Committee amend S.B. 2858, S.D. 2, so that there is no doubt that DPS is required to annually report on all key performance indicator referenced in the bill. Specifically, Section 3 of S.B. 2858, S.D. 2, should be amended to add the following language in red:

b) The department shall include in its annual report to the legislature pursuant to section 353- a report section that shall **report on and reference all** key performance indicators for the fiscal year that ended before the report.

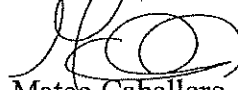
This data will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawaii's correctional system as we all weigh important decisions about the future of such system in Hawai'i.

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: (808) 522-5900  
F: (808) 522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

March 15, 2018  
Page 2 of 2

Thank you for the opportunity to testify.

Sincerely,



Mateo Caballero  
Legal Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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**SB-2858-SD-2**

Submitted on: 3/13/2018 9:50:51 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

In STRONG SUPPORT.

**SB-2858-SD-2**

Submitted on: 3/14/2018 3:53:36 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

Thank you for considering this bill.

I ask your support for passage. Data is needed for evaluation and the public's need to know.

**SB-2858-SD-2**

Submitted on: 3/14/2018 7:41:31 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	No

Comments:

**SB-2858-SD-2**

Submitted on: 3/14/2018 9:44:21 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

## Comments:

Chair Takayama, Vice Chair Gates, and Members of the committee:

I strongly support SB2858 SD2, and especially its emphasis on reporting various data on pre-trial detainees. This data has been difficult to separate from other data for jail inmates in the past, leading to the possibility of misunderstanding of who is incarcerated and for what level of crime. I also especially support the improved emphasis on data on detainees of native Hawaiian ancestry. The percentage of Hawaiians in our jails and prisons suggests that the State is neglecting its responsibility for the native culture of the islands. Better data collection and performance measures will be very helpful to the public, legislators, judiciary and Department of Public Safety in understanding this issue.

I urge you to pass SB2858 SD2.

Thank you for the opportunity to testify IN SUPPORT OF SB2858.

HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

To: COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

Rep. Richard P. Creagan

Rep. Lynn DeCoite

Rep. Kaniela Ing

Rep. Calvin K.Y. Say

Rep. Cynthia Thielen

HEARING: Thursday, March 15, 2018 at 10:30am, Conference Room 312

RE: Testimony in SUPPORT of SB 2858, SD2: RELATING TO PUBLIC SAFETY.

Through SB 2858, SD2, the Department of Public Safety would be required to collect, analyze, and disseminate data relating to identified performance indicators. Transparency serves as one significant benefit afforded by this bill, yet I feel it's greatest strength lies in its push for communication.

If a sole government agency retains such information, change could only come from within that institution. However, if data is disseminated to the legislature and available to the public, this invites conversations on means to best address the issues of criminal justice reform, recidivism, and the associated economics. Moreover, I believe the multitude of data points would be of interest to various community organizations, resulting in their involvement, their coming to the table to brainstorm ideas.

Thank you for the opportunity to testify on this measure.

Respectfully submitted,

Chelsea Cordero

**SB-2858-SD-2**

Submitted on: 3/14/2018 10:29:19 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:



**LATE**

**SB-2858-SD-2**

Submitted on: 3/14/2018 1:52:41 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Sue Haglund	Individual	Support	No

Comments:

It is very important that the Hawaii State Legislature publicly invest in this publicly funded research and data for specific data on reentry planning, programming, reporting requirements (just to name a few). The Department of Public Safety is a large operating unit that often does not provide the public and us researchers with proper, specific data that enables us to make better legislative policy that meets the needs to our public and accuracy on areas that are compliant or areas not in compliance to State and Federal laws, but needs improvement.

I fully support this measure.

**LATE**

**SB-2858-SD-2**

Submitted on: 3/14/2018 4:33:11 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

**LATE**

**SB-2858-SD-2**

Submitted on: 3/15/2018 12:56:37 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikos Leverenz	Individual	Support	No

Comments:

**LATE**

**LATE**

**SB-2858-SD-2**

Submitted on: 3/15/2018 10:58:41 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Honolulu, Hawaii

MAR 21 , 2018

RE: S.B. No. 2858  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred S.B. No. 2858, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to improve the efficacy of the State's corrections program. Specifically, this measure:

- (1) Requires the Department of Public Safety to establish key performance indicators that evaluate the Department's efforts to improve offender reentry and rehabilitation;
- (2) Requires reports, using key performance indicators, to be provided to the Legislature; and
- (3) Creates the annual corrections and program report as a consolidated report of other annual reports.

The Office of Hawaiian Affairs, Ho'omanapono Political Action Committee, Hawai'i Justice Coalition, Community Alliance on Prisons, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Young Progressives Demanding Action - Hawai'i, and several concerned individuals supported this measure.



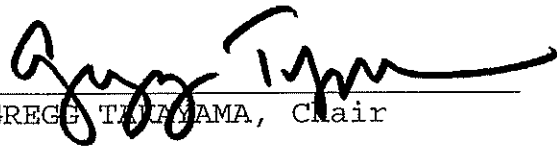
The Department of Public Safety and American Civil Liberties Union of Hawai'i offered comments.

Your Committee has amended this measure by deleting its contents and inserting the substantive provisions of House Bill No. 2452, H.D. 1, which was heard by your Committee earlier this session. Your Committee further amended this measure, and as amended, this measure ensures disaster preparedness by:

- (1) Requiring the design of all State buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes; and
- (2) Requiring new construction to be consistent with standards issued in the Report of Recommended Statewide Public Hurricane Shelter Criteria, Hurricane Shelter Criteria Committee, State Civil Defense, June 24, 2014.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2858, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,

  
\_\_\_\_\_  
GREG TANIAMA, Chair



HSR 1255-18

<b>Bill/Resolution No.:</b>	<b>Committee Referral:</b>	<b>Date:</b>		
SB 2858 SD2	PBS, FIN	3.15.18		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. GATES, Cedric Asuega (VC)	✓			
3. CREAGAN, Richard P.	✓			
4. DeCOITE, Lynn				✓
5. ING, Kaniela				✓
6. SAY, Calvin K.Y.	✓			
7. THIELEN, Cynthia	✓			
TOTAL (7)	5	0	0	2
The recommendation is:	<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
	If joint referral, _____ did not support recommendation. committee acronym(s)			
Vice Chair's or designee's signature:	_____			
Distribution:	Original (White) – Committee	Duplicate (Yellow) – Chief Clerk's Office	Duplicate (Pink) – HMSO	

HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION, 2018

March 21, 2018

35<sup>th</sup> Day

ORDER OF BUSINESS

Invocation - Ms. Megan Kira  
Office of Representative Scott Y. Nishimoto

1. Roll Call
2. Reading of the Journal
3. Messages from the Governor
4. Senate Communications

ORDER OF THE DAY

5. Reports of Standing Committees

TRANSPORTATION

Stand. Comm. Rep. No. 1242-18

S.B. No. 2828, S.D. 2

RELATING TO MOTOR VEHICLE  
INSPECTIONS.  
(Transportation; Motor Vehicle Inspection)

PASS SECOND READING, REFER TO  
FINANCE

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Stand. Comm. Rep. No. 1243-18

S.B. No. 80, S.D. 2

RELATING TO TRANSPORTATION.  
(Daniel K. Inouye International Airport; Radio  
Aerial Relocation; Emergency Appropriation)

PASS SECOND READING, REFER TO  
FINANCE

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CONSUMER PROTECTION & COMMERCE

Stand. Comm. Rep. No. 1252-18

S.B. No. 2710, S.D. 1, H.D. 1

RELATING TO INTOXICATING LIQUOR.  
 (Brewpub License; Small Craft Producer Pub  
 License; Minors)

AS AMENDED, PASS SECOND READING,  
REFER TO JUDICIARY

Stand. Comm. Rep. No. 1253-18

S.B. No. 2493, S.D. 2, H.D. 1

RELATING TO INSURANCE.  
 (Insurance; Producer Licensing; Producer  
 Licensing Model Act)

AS AMENDED, PASS SECOND READING,  
REFER TO FINANCE

Stand. Comm. Rep. No. 1254-18

S.B. No. 2643, S.D. 1, H.D. 1

RELATING TO INSURANCE.  
 (Insurance; Financial Information; Biennial  
 Privacy Notice)

AS AMENDED, PASS SECOND READING,  
REFER TO FINANCE

PUBLIC SAFETY

Stand. Comm. Rep. No. 1255-18

S.B. No. 2858, S.D. 2, H.D. 1

RELATING TO PUBLIC SAFETY.  
 (Public Safety; Public Improvements; State  
 Building Construction; Disaster Preparedness;  
 Hurricane; Standards)

AS AMENDED, PASS SECOND READING,  
REFER TO FINANCE

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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

- 1       SECTION 1. Section 107-27, Hawaii Revised Statutes, is  
2 amended to read as follows:
- 3       "§107-27 Design of state buildings. (a) No later than  
4 one year after the adoption of codes or standards pursuant to  
5 section 107-24(c), the design of all state building construction  
6 shall be in compliance with the Hawaii state building codes,  
7 except state building construction shall be allowed to be  
8 exempted from:
- 9       (1) County codes that have not adopted the Hawaii state  
10 building codes;
- 11       (2) Any county code amendments that are inconsistent with  
12 the minimum performance objectives of the Hawaii state  
13 building codes or the objectives enumerated in this  
14 part; or
- 15       (3) Any county code amendments that are contrary to code  
16 amendments adopted by another county.



1 (b) Exemptions shall include county ordinances allowing  
2 the exercise of indigenous Hawaiian architecture adopted in  
3 accordance with section 46-1.55.

4 (c) For state buildings constructed on or after July 1,  
5 2018, the design of state buildings shall include a shelter room  
6 or area that is capable of protecting individuals from category  
7 3 hurricanes. The new construction shall be consistent with  
8 standards issued in the Report of Recommended Statewide Public  
9 Hurricane Shelter Criteria, Hurricane Shelter Criteria  
10 Committee, State Civil Defense, June 24, 2014."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Public Safety; Public Improvements; State Building Construction;  
Disaster Preparedness; Hurricane; Standards

**Description:**

Requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes. Requires new construction to be consistent with specific standards. (SB2858 HD1)

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



DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
Comptroller  
AUDREY HIDANO  
Deputy Comptroller

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY OF  
RODERICK K. BECKER, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE ON FINANCE  
ON  
WEDNESDAY, MARCH 28, 2018  
3:00 PM  
CONFERENCE ROOM 308

S.B. 2858, S.D. 2, H.D. 1

RELATING TO PUBLIC SAFETY.

Chair Luke, Vice Chair Cullen, and Members of the Committee, thank you for the opportunity to submit testimony on S.B. 2858, S.D. 2, H.D. 1.

The Department of Accounting and General Services (DAGS) opposes this bill for the following reasons:

1. As noted in our testimony regarding H.B. 2452, H.D. 1, there are no established parameters or standards that consider the increase in the cost of construction to provide a shelter room or area capable of protecting individuals from category 3 hurricanes. FEMA document P-361, Safe Rooms for Tornadoes and Hurricanes (March 2015) notes that provision of such shelters requires design and construction to exceed the requirements of model codes (including the codes in force throughout the State) and estimates construction cost increases of 5 percent to more than 30 percent for new construction.

2. The bill does not confine the scope to newly constructed buildings. We note that, in addressing construction, Hawaii Revised Statutes (HRS) Chapter 103D includes altering, repairing, improving and performing routine maintenance and repairs on existing facilities. The FEMA document cited above estimates that retrofitting existing facilities to provide such shelters may involve cost increases of 10 to 15 percent above the increased costs estimated for new construction; and, depending on the age of a structure and the purpose for which it was originally constructed, it is likely many structures within the State's inventory may be unsuitable for retrofit for shelter use.
3. The bill provides that State facilities constructed on or after July 1, 2018 include such shelters. The process of obtaining funding, planning, designing and permitting for construction typically involves a multi-year duration. This new provision will require that projects now ready or nearing readiness for construction be delayed (with an expectation of increased cost) for redesign to include the shelters, or cancelled due to lack of adequate funding to sustain the increased costs of providing the shelters.
4. The bill makes no distinction among the various types of state facilities that might be appropriate for provision of such shelters. While, for example, a new classroom building at a high school may provide good opportunity for such shelter, it is less likely that a restroom facility at a State park will provide the same opportunity.

5. The bill provides no statement of intent or other guidance regarding the number of individuals to be protected.
6. The requirements of this bill should be coordinated with all departments and agencies responsible for the health and safety of the public to ensure their needs and relevant knowledge, along with the needs of the State's diverse communities and geographic circumstances, are considered in the development of any codes or other regulations to specifically address the requirements of such shelters.

Thank you for the opportunity to submit testimony on this matter.



**SB2858 SD2 HD1**  
**RELATING TO PUBLIC SAFETY**  
**House Committee on Public Safety**

March 28, 2018

3:00 p.m.

Room 308

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees offer the following **COMMENTS** on SB2858 SD2 HD1, which would ensure state buildings built after July 1, 2018 adhere to State Civil Defense standards of disaster preparedness. Although protecting Hawai'i state buildings and citizens is a laudable goal, this draft would abandon the critically important purpose of previous drafts to require the Department of Public Safety (PSD) to collect, aggregate, and publicly report data relating to key enumerated performance indicators. **This previous draft would promote important legislative and community oversight, and provide information that may be critical to the enactment of much-needed reforms to our criminal justice system.**

Decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent, between 1977 and today, our incarcerated population increased by 1,400 percent.<sup>1</sup> The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our current prison population.<sup>2</sup> Moreover, the overrepresentation of Native Hawaiians in the criminal justice system indicates larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.<sup>3</sup> **Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that can improve public safety, effectively rehabilitate pa'ahao, reduce recidivism, and save taxpayer dollars.**<sup>4</sup>

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<sup>1</sup>THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at [http://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf).

<sup>2</sup> In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36.

<sup>3</sup> OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." *Id.* at 10. Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

<sup>4</sup> The Native Hawaiian Justice Task Force recommended several options to address systemic issues resulting in the overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several legislative proposals from the 2011 Justice Reinvestment Initiative that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding



The Native Hawaiian Justice Task Force, in its 2012 report, found that data collection, integration, and infrastructure needed to be improved at various levels within the criminal justice system.<sup>5</sup> The Task Force noted that an analysis of additional control variables “would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system.”<sup>6</sup> Consistent with the Task Force’s report, this measure could help to provide robust and comprehensive data, which can inform the exploration, development, and implementation of policies and programs that meaningfully address the costly and growing impacts of our criminal justice system on Native Hawaiians and the larger community.

Therefore, OHA respectfully requests that the Committee amend this bill, to revert to the original or amended Senate versions of this measure. Mahalo for the opportunity to testify on this measure.

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implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua, and bolstering reintegration programs and services to better prevent recidivism. *Id.* at 27-30.

<sup>5</sup> OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012) at 8, *available at* [http://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>6</sup> *Id.*

**SB-2858-HD-1**

Submitted on: 3/27/2018 11:23:10 AM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice-Chair and the Members of the Committee on Finance:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2858 SD2 HD1** relating to Public Safety; Public Improvements; State Building Construction; Disaster Preparedness; and Hurricane; Standards

The OCC on Legislative Priorities is in favor of **SB2858 SD2 HD1** and supports its passage.

**SB2858 SD2 HD1** is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes and requires new construction to be consistent with specific standards.

The DPH Platform states that "We believe in a government that will adequately, efficiently, courteously, openly, ethically and fairly administer to the needs of the people." (Platform of the DPH, P. 5, Lines 245-246 (2016)).

"We support Federal initiatives, both from Congress and from the future administrations that would mitigate the catastrophic cultural, economic, and environmental damage created by federal policies on globalization." (Platform of the DPH, P. 10, Lines 503-505 (2016)).

Given that **SB2858 SD2 HD1** requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes and requires new construction to be consistent with specific standards, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Tel.: (808) 258-8889

**LATE**



# **YOUNG PROGRESSIVES DEMANDING ACTION**

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Aloha Chair Luke, Vice Chair Cullen and members of the House Committee on Finance,

The members of the Young Progressives Demanding Action – Hawai‘i offers comments on SB2858 SD2 HD1. While we do not oppose the construction of hurricane shelters and the concept of planning for increasingly destructive storms in the 21st century, we are nevertheless disappointed that the House Public Safety committee decided to gut an important bill that would have required the Department of Public Safety (DPS) to report on program outcomes.

We desperately need more information from the DPS in order to craft a “smart justice” policy that advances programming and restorative justice techniques over incarceration and punishment. Such an approach will save the state millions of dollars, and create far better outcomes for offenders who will be able to reintegrate in society effectively, reducing recidivism and keeping out communities safer.

The previous version of this bill represented a step toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

We feel it is critical that some form of legislation advancing this data-driven approach to criminal justice reform be passed this year. So while we do not oppose this bill, we ask that the Finance Committee please schedule SB2861 SD2 HD1 and pass it.

This session has been a disappointment for criminal justice reform: Many good bills aimed at assessing and reforming pretrial incarceration, reforming the bail system and establishing more effective incarceration practices died. We currently have two task forces studying this issue, and these task forces were used as cover to kill many of these bills. However, without specific data, task forces currently

looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this legislature to act on.

Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai'i should join this "smart justice" approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

Will Caron  
Social Justice Action Committee Chair  
Young Progressives Demanding Action – Hawai'i

Honolulu, Hawaii

APR 06 , 2018

RE: S.B. No. 2858  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 2858, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

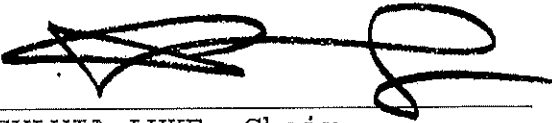
The purpose of this measure is to require the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes. This measure also requires new construction to be consistent with specific standards.

The Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i supported this measure. The Department of Accounting and General Services opposed this measure. The Office of Hawaiian Affairs and Young Progressives Demanding Action - Hawai'i provided comments.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, S.D. 2, H.D. 1, and recommends that it pass Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Finance,

A handwritten signature in black ink, appearing to be 'Sylvia Luke', written over a horizontal line.

SYLVIA LUKE, Chair



45LR 1912-18

45LR 1912-18

45LR 1912-18



HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION, 2018

April 6, 2018

45<sup>th</sup> Day

ORDER OF BUSINESS

Invocation - Reverend Dr. John R. Heidel  
United Church of Christ

1. Roll Call
2. Reading of the Journal
3. Messages from the Governor

Received message number 1102 informing the House that H.B. No. 2739, H.D. 1, was signed into law on April 5, 2018, as Act 002.

4. Senate Communications  
See Addendum.

ORDER OF THE DAY

5. Reports of Standing Committees

FINANCE

Stand. Comm. Rep. No. 1888-18

S.B. No. 974, S.D. 2, H.D. 2

RELATING TO PARKING FOR DISABLED  
PERSONS.  
(Persons with a Disability; Parking Meters;  
Exemption)

PASS THIRD READING

FINANCE

Stand. Comm. Rep. No. 1912-18

S.B. No. 2858, S.D. 2, H.D. 1

RELATING TO PUBLIC SAFETY.  
(Public Safety; Public Improvements; State  
Building Construction; Disaster Preparedness;  
Hurricane; Standards)

PASS THIRD READING

Stand. Comm. Rep. No. 1913-18

S.B. No. 2861, S.D. 2, H.D. 1

RELATING TO PUBLIC SAFETY.  
(DPS; Inmate Rehabilitation; Reentry System;  
Reporting Requirements)

PASS THIRD READING

Stand. Comm. Rep. No. 1914-18

S.B. No. 2237, S.D. 2, H.D. 1

RELATING TO PUBLIC SCHOOLS.  
(Transfer of Land; Department of Education;  
Property; Title; Public Schools)

PASS THIRD READING

Stand. Comm. Rep. No. 1915-18

S.B. No. 2919, S.D. 2, H.D. 1

RELATING TO PUBLIC LIBRARIES.  
(Public Library Lands; Leases; BOE;  
Appropriation)

PASS THIRD READING

Stand. Comm. Rep. No. 1916-18

S.B. No. 3002, S.D. 1, H.D. 1

RELATING TO LIBRARIES.  
(Libraries; Notary Services; Exemption; Fee)

PASS THIRD READING

Honolulu, Hawaii

APR 27 2018

RE: S.B. No. 2858  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2858, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes; and
- (2) Require the new construction to be consistent with standards issued in the Report of Recommended Statewide Public Hurricane Shelter Criteria, Hurricane Shelter Criteria Committee, State Civil Defense, June 24, 2014.



Your Committee on Conference finds that ensuring that state buildings are capable of withstanding extreme weather-related events and emergencies is essential for maintaining public welfare. Your Committee on Conference further finds that public schools are particularly vulnerable to the effects of weather-related events and emergencies and situated in areas easily accessible by community members and would therefore be the ideal initial sites for enhanced building design and construction. Accordingly, your Committee on Conference finds that the State should consider relevant hurricane resistant criteria when designing and constructing new public schools for the capability of providing shelter refuge.

Your Committee on Conference has amended this measure by:

- (1) Removing language requiring the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes and that the new construction be consistent with standards issued in the Report of Recommended Statewide Public Hurricane Shelter Criteria, Hurricane Shelter Criteria Committee, State Civil Defense, June 24, 2014;
- (2) Inserting language to require the State to consider hurricane resistant criteria when designing and constructing new public schools for the capability of providing shelter refuge; and
- (3) Changing the effective date to upon approval.

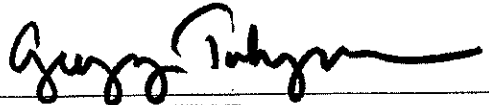
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2858, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2858, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



GREGG TAKAYAMA  
Co-Chair



CEDRIC ASUEGA GATES  
Co-Chair



CLARENCE K. NISHIHARA  
Chair



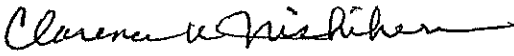

MAILE S.L. SHIMABUKURO  
Co-Chair



## Hawai'i State Legislature

CUR 93-18

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2858, SD 2, HD 1</b>					Date/Time: <b>4/26/18 10:10 a.m.</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	✓				TAKAYAMA, Gregg, Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				GATES, Cedric Asuega, Co-Chr.	✓			
THIELEN, Laura H.	✓				YAMASHITA, Kyle T.	✓			
					THIELEN, Cynthia				✓
TOTAL	3			0	TOTAL	3			1
A = Aye      WR = Aye with Reservations      N = Nay      E = Excused									
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:									
Original		Yellow		Pink		Goldenrod			
File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency			

HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION, 2018

May 1, 2018

59<sup>th</sup> Day

ORDER OF BUSINESS

Invocation - Professor Noelani Arista  
University of Hawaii at Manoa Department of History

1. Roll Call
2. Reading of the Journal
3. Messages from the Governor
4. Senate Communications

Received communication informing the House that the following House and Senate Bills passed Final Reading in the Senate:

H.B. No. 2145, H.D. 1, S.D. 1, C.D. 1  
S.B. No. 2821, S.D. 1, H.D. 1, C.D. 1

Received communication informing the House that the Senate has reconsidered action in disagreeing to amendments proposed by the House, has moved to agree, and has adopted the following Senate Concurrent Resolutions:

S.C.R. No. 11, S.D. 1, H.D. 1  
S.C.R. No. 40, S.D. 1, H.D. 1  
S.C.R. No. 64, S.D. 1, H.D. 1  
S.C.R. No. 81, S.D. 1, H.D. 1  
S.C.R. No. 83, S.D. 1, H.D. 1  
S.C.R. No. 149, S.D. 1, H.D. 2

ORDER OF THE DAY

**PART I. CONSENT CALENDAR**

5a. Unfinished Business

Conf. Comm. Rep. No. 6-18

S.B. No. 2803, S.D. 2, H.D. 1, C.D. 1

RELATING TO BOILER AND ELEVATOR  
SAFETY LAW.  
(Boiler and Elevator Safety Law; Boiler and  
Elevator Revolving Fund)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 93-18

S.B. No. 2858, S.D. 2, H.D. 1, C.D. 1

RELATING TO PUBLIC SAFETY.  
 (Public Safety; Public Improvements; State  
 Building Design and Construction; New Public  
 Schools; Disaster Preparedness; Hurricane;  
 Standards)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 96-18

S.B. No. 2801, S.D. 2, H.D. 1, C.D. 1

RELATING TO THE DEPARTMENT OF LABOR  
 AND INDUSTRIAL RELATIONS.  
 (Labor Law Enforcement Special Fund;  
 Collections; Appropriation)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 97-18

S.B. No. 3000, S.D. 2, H.D. 1, C.D. 1

RELATING TO INNOVATION BUSINESS.  
 (Hawaii Technology Development Corporation;  
 Research and Development Program; Research  
 and Development Special Fund; Appropriation)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 98-18

S.B. No. 2150, S.D. 2, H.D. 1, C.D. 1

RELATING TO THE JUDICIARY.  
 (Judiciary Package; Supplemental  
 Appropriations; Budget)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 99-18

S.B. No. 2581, S.D. 1, H.D. 2, C.D. 1

RELATING TO THE KING KAMEHAMEHA  
 CELEBRATION COMMISSION.  
 (King Kamehameha Commission; Members;  
 Executive Director)

AS AMENDED, PASS FINAL READING

Conf. Comm. Rep. No. 100-18

H.B. No. 2610, H.D. 2, S.D. 1, C.D. 1

RELATING TO THE HAWAII TECHNOLOGY  
 DEVELOPMENT CORPORATION.  
 (Hawaii Technology Development Corporation;  
 Manufacturing Grant Program; Appropriation)

AS AMENDED, PASS FINAL READING



‘Aha Kenekoa ‘Aha‘ōlelo Iwakāluakumamāiwa  
THE SENATE  
OF THE  
TWENTY-NINTH LEGISLATURE  
Moku‘āina ‘O Hawai‘i  
STATE OF HAWAII  
‘Ākoakoa Kūmau MH 2018  
REGULAR SESSION OF 2018

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Lā Kanalimakumamāiwa  
FIFTY-NINTH DAY

1 Mei 2018 - Po‘alua - Hola 10:00 A.M.  
MAY 1, 2018-TUESDAY-10:00 O'CLOCK A.M.

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Papahana O Ka Lā  
ORDER OF BUSINESS

Kāhea Papainoa  
ROLL CALL

‘Āpono Mo‘olelo O Ka Puke Hālāwai  
APPROVAL OF THE JOURNAL

Ho‘olauna Mea Kipa  
INTRODUCTIONS

Ho‘oka‘a‘ike Mai Ke Kia‘āina  
MESSAGES FROM THE GOVERNOR: None

Ho‘oka‘a‘ike Mai Nā ‘Oihana  
DEPARTMENTAL COMMUNICATIONS: None

Conf. Com. Rep. No. 86-18

Prior Versions/Status & Testimony

S.B. No. 2719, S.D. 1, H.D. 1, C.D. 1  
"RELATING TO SEXUAL VIOLENCE."

(Sexual Abuse of Minors; Civil Action;  
Statute of Limitations)

Conf. Com. Rep. No. 87-18

Prior Versions/Status & Testimony

S.B. No. 2742, S.D. 1, H.D. 1, C.D. 1  
"RELATING TO CRIMINAL HISTORY  
RECORD INFORMATION."

(Criminal History Record Information)

Conf. Com. Rep. No. 88-18

Prior Versions/Status & Testimony

S.B. No. 2699, S.D. 2, H.D. 1, C.D. 1  
"RELATING TO THE TRANSIENT  
ACCOMMODATIONS TAX."

(Transient Accommodations Tax; Hotel  
Resort Fees; Gross Rental Proceeds)

Conf. Com. Rep. No. 89-18

Prior Versions/Status & Testimony

S.B. No. 1208, S.D. 2, H.D. 1, C.D. 1  
"RELATING TO AGRICULTURE."

(Twin Bridge Farms; Special Purpose  
Revenue Bonds; Appropriation)

Conf. Com. Rep. No. 90-18

Prior Versions/Status & Testimony

S.B. No. 3002, S.D. 1, H.D. 1, C.D. 1  
"RELATING TO LIBRARIES."

(Libraries; Notary Services; Exemption; Fee)

Conf. Com. Rep. No. 93-18

Prior Versions/Status & Testimony

S.B. No. 2858, S.D. 2, H.D. 1, C.D. 1  
"RELATING TO PUBLIC SAFETY."

(Public Safety; Public Improvements; State  
Building Design and Construction; New  
Public Schools; Disaster Preparedness;  
Hurricane; Standards)



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 29, 2018

**GOV. MSG. NO. 1185**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2018, the following bill was signed into law:

SB2858 SD2 HD1 CD1

RELATING TO PUBLIC SAFETY  
**ACT 084 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on JUN 29 2018  
THE SENATE  
TWENTY-NINTH LEGISLATURE, 2018  
STATE OF HAWAII

**ACT 084**  
**S.B. NO.**

2858  
S.D. 2  
H.D. 1  
C.D. 1

---

# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

- 1       SECTION 1. Section 107-27, Hawaii Revised Statutes, is  
2 amended to read as follows:
- 3       "§107-27 Design of state buildings. (a) No later than  
4 one year after the adoption of codes or standards pursuant to  
5 section 107-24(c), the design of all state building construction  
6 shall be in compliance with the Hawaii state building codes,  
7 except state building construction shall be allowed to be  
8 exempted from:
- 9       (1) County codes that have not adopted the Hawaii state  
10 building codes;
- 11       (2) Any county code amendments that are inconsistent with  
12 the minimum performance objectives of the Hawaii state  
13 building codes or the objectives enumerated in this  
14 part; or
- 15       (3) Any county code amendments that are contrary to code  
16 amendments adopted by another county.



1 (b) Exemptions shall include county ordinances allowing  
2 the exercise of indigenous Hawaiian architecture adopted in  
3 accordance with section 46-1.55.

4 (c) The State shall consider hurricane resistant criteria  
5 when designing and constructing new public schools for the  
6 capability of providing shelter refuge."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 29 day of JUN, 2018



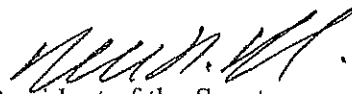
GOVERNOR OF THE STATE OF HAWAII

S.B. No. 2858, S.D. 2, H.D. 1, C.D. 1

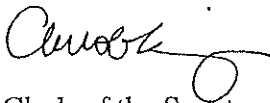
**THE SENATE OF THE STATE OF HAWAII**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.



President of the Senate



Clerk of the Senate

SB No. 2858, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF  
HONOLULU and COMMON CAUSE

Plaintiffs,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC  
(Other Civil Action)

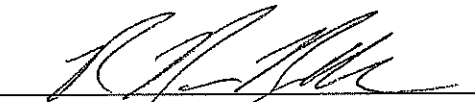
NOTICE OF HEARING

NOTICE OF HEARING

TO: Robyn B. Chun  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813  
*Attorneys for Defendant*

NOTICE IS HEREBY GIVEN that Plaintiffs' Motion for Summary Judgment shall come on for hearing before the Honorable Gary W. B. Chang, Judge of the above-entitled court, in his courtroom at Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813, on December 5, 2018, at 3:00 p.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawai'i, October 25, 2018

  
ROBERT BRIAN BLACK  
*Attorney for League of Women Voters of Honolulu  
and Common Cause*



IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF  
HONOLULU and COMMON CAUSE

Plaintiffs,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC  
(Other Civil Action)


CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I, R. Brian Black, certify that on October 25, 2018, I will serve a copy of the foregoing Plaintiffs' Cross-Motion for Summary Judgment; Combined Memorandum of Law in Support of Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment; Declaration of R. Brian Black; Exhibits 1-23; and Notice of Hearing on the following parties by U.S. mail, postage prepaid:

Robyn B. Chun  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813  
*Attorneys for Defendant State of Hawai'i*

DATED: Honolulu, Hawai'i, October 25, 2018

  
\_\_\_\_\_  
ROBERT BRIAN BLACK  
*Attorney for League of Women  
Voters of Honolulu and Common  
Cause*