
A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE DATA SHARING GROUPS.

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

1 SECTION 1. The legislature finds that there are several
2 working groups and commissions that focus on gun violence,
3 violent crime, and criminal data sharing, including the
4 governor's commission on crime, the criminal justice data
5 sharing working group, and the gun violence and violent crimes
6 commission. Each of these groups' purposes have some overlap
7 with one another, and the membership of these working groups and
8 commissions all include the county prosecutors, county police
9 chiefs, and the attorney general. As such, each of these public
10 servants attend multiple and overlapping meetings.

11 Accordingly, the purpose of this Act is to amend the
12 membership of the criminal justice data sharing working group
13 established in Act 157, Session Laws of Hawaii 2023, to include
14 members currently serving on the gun violence and violent crimes
15 commission and to repeal the gun violence and violent crimes
16 commission to increase the efficiency and effectiveness of the
17 data sharing working group.

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1 SECTION 2. Act 157, Session Laws of Hawaii 2023, is
2 amended by amending section 2, to read as follows:

3 "SECTION 2. (a) There is established the criminal justice
4 data sharing working group to address the complexities of
5 statewide data sharing in the criminal justice system and make
6 recommendations for a statewide criminal justice data repository.
7 The working group shall:

- 8 (1) Develop a formal memorandum of agreement to be executed
9 by participating agencies to ensure the repository's
10 continued operation and coordinated planning and
11 development;
- 12 (2) Identify operational and policy drivers that will
13 influence development priorities for the repository in
14 the short and long term;
- 15 (3) Identify policy, legislative, and operational issues
16 associated with the planning, development, and
17 implementation of the repository; ~~and~~
- 18 (4) Formulate recommendations for changes in policy,
19 legislation, and operations to facilitate data
20 sharing[-];
- 21 (5) Identify relevant data that may be used to reduce gun
22 violence and violent crimes;

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1 (6) Identify areas in which relevant data that may be used
2 to reduce gun violence and violent crimes is not
3 available;

4 (7) Maximize the sharing between agencies represented on the
5 data sharing working group and other appropriate
6 stakeholders of data relevant to reducing gun violence
7 and violent crimes; and

8 (8) Coordinate and conduct research on gun violence and
9 violent crimes.

10 (b) The working group shall comprise of the following
11 members[+] or their designees:

12 (1) The attorney general, [~~or the attorney general's~~
13 ~~designee,~~] who shall serve as chairperson of the
14 working group;

15 [~~(2) The director of public safety, if applicable, or the~~
16 ~~director's designee;~~

17 ~~(3)] (2) The director of corrections and rehabilitation[~~,~~~~
18 ~~if applicable, or the director's designee];~~

19 [~~(4)] (3) The director of law enforcement[~~,~~ if applicable,~~,~~~~
20 ~~or the director's designee];~~

21 [~~(5)] (4) The administrative director of the courts[~~,~~ or~~
22 ~~the administrator's designee];~~

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1 ~~[(6)]~~ (5) The public defender~~[, or the public defender's~~
2 designee];

3 ~~[(7)]~~ (6) The prosecuting attorney for the counties of
4 Hawaii, Maui, Kauai, and the city and county of
5 Honolulu~~[, or the prosecuting attorney's designee];~~

6 ~~[(8)]~~ (7) The chief of police for the counties of Hawaii,
7 Maui, Kauai, and the city and county of Honolulu~~[, or~~
8 ~~the chief's designee];~~

9 ~~[(9)]~~ (8) The chair of the house of representatives committee
10 on corrections, military, and veterans~~[, or the chair's~~
11 designee]; [and]

12 ~~[(10)]~~ (9) The chair of the senate committee on public safety
13 and intergovernmental and military affairs~~[, or the~~
14 ~~chair's designee.];~~

15 (10) The chief justice of the supreme court of Hawaii;

16 (11) The dean of the college of social sciences at the
17 University of Hawaii at Manoa; and

18 (12) The dean of the John A. Burns school of medicine.

19 (c) The working group shall select a vice chairperson from
20 among its members.

21 (d) The working group may:

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- 1 (1) Hold informational briefings and listening sessions to
2 gather input from the public on issues related to
3 criminal justice data sharing within the State; and
- 4 (2) Request assistance and feedback from subject matter
5 experts, as needed, to enable the working group to
6 carry out its work.
- 7 (e) The working group shall provide to the legislature:
- 8 (1) Annual updates, including recommendations for any
9 legislative or administrative action the working group
10 deems appropriate to address data sharing concerns or
11 to enable the working group to carry out its work; and
- 12 (2) A final report, including recommendations for futher
13 actions to be implemented over the following two years,
14 no later than twenty days prior to the convening of the
15 regular session of 2026, for a repository start date of
16 July 1, 2028.
- 17 (f) The legislative reference bureau, upon request of the
18 working group's chairperson by no later than October 1st of each
19 year, may draft proposed legislation for the working group.
- 20 (g) The working group shall be officially convened at the
21 pleasure of the chairperson and vice chairperson, but no later
22 than August 1, 2023.

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- 1 (h) The data to be shared between deparments may include:
- 2 (1) For each criminal case:
- 3 (A) Pre-charging information;
- 4 (B) Case number;
- 5 (C) Date the alleged offense occurred;
- 6 (D) County in which the offense is alleged to have
- 7 occurred;
- 8 (E) Date the defendant was taken into physical
- 9 custody by a law enforcement agency or was issued
- 10 a notice to appear on a criminal charge, if the
- 11 date is different than the date on which the
- 12 offense is alleged to have occurred;
- 13 (F) Date that the criminal prosecution of a defendant
- 14 was formally initiated, either by the state
- 15 attorney filing an information with the clerk of
- 16 the court, or an indictment issued by a grand
- 17 jury;
- 18 (G) Arraignment date;
- 19 (H) Attorney assignment date;
- 20 (I) Attorney withdrawal date;
- 21 (J) Case status; and
- 22 (K) Disposition date.

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- 1 (2) For each defendant:
- 2 (A) Name;
- 3 (B) Date of birth;
- 4 (C) Age;
- 5 (D) Race, ethnicity, and national origin;
- 6 (E) Gender;
- 7 (F) Address of primary residence;
- 8 (G) Primary language;
- 9 (H) Citizenship;
- 10 (I) Immigration status, if applicable;
- 11 (J) Whether the defendant has been found by a court
- 12 to be indigent;
- 13 (K) Information related to any formal charges filed
- 14 against the defendant, including:
- 15 (i) Charge description;
- 16 (ii) Charge modifier, if applicable; and
- 17 (iii) Drug type for each drug charge, if known;
- 18 (L) Qualifications for any flag designation,
- 19 including flags for domestic violence, gang
- 20 affiliation, sexual offenses, habitual offenses,
- 21 or pretrial release violations;

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- 1 (M) Information related to bail or bond and pretrial
- 2 release determinations, including:
- 3 (i) All monetary and nonmonetary conditions of
- 4 release;
- 5 (ii) Any modification of bail or bond conditions
- 6 made by a court having jurisdiction to try
- 7 the defendant or by the circuit court,
- 8 including modifications to any monetary or
- 9 nonmonetary conditions of release;
- 10 (iii) Cash bail or bond payment, including whether
- 11 the defendant utilized a bond agent to post
- 12 a surety bond; and
- 13 (iv) Any bail or bond revocation due to a new
- 14 offense, failure to appear, or violation of
- 15 the terms of bail or bond, if applicable;
- 16 (N) Information related to sentencing, including:
- 17 (i) Date that a court entered a sentence against
- 18 a defendant;
- 19 (ii) Charge sentenced to, including charge
- 20 sequence number, charge description,
- 21 statute, type, and charge class severity;

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- 1 (iii) Sentence type and length imposed by the
- 2 court, including the total duration of
- 3 imprisonment in a court detention facility
- 4 or state correctional institution or
- 5 facility, and conditions for probation or
- 6 community control supervision; and
- 7 (iv) Amount of time that the defendant has served
- 8 in custody that is related to the reported
- 9 criminal case and will be credited at the
- 10 time of the case's disposition to reduce the
- 11 actual length of time the defendant will
- 12 serve on the term of imprisonment that the
- 13 court orders at disposition; and
- 14 (O) Any restitution ordered, including the amount
- 15 collected by the court and the amount paid to the
- 16 victim;
- 17 (3) For each victim, the relationship to the offender, if
- 18 any;
- 19 (4) For each inmate:
- 20 (A) Date and reason the defendant was processed into
- 21 the county detention facility subsequent to an

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- 1 arrest for a new violation of law, probation, or
2 community control;
- 3 (B) Qualifications for any flag designation,
4 including flags for domestic violence, gang
5 affiliation, sexual offenses, habitual offenses,
6 or pretrial release violations;
- 7 (C) Identification number assigned by the reporting
8 department;
- 9 (D) Number of children;
- 10 (E) Education level, including any vocational
11 training;
- 12 (F) Date the inmate was admitted to the custody of
13 the reporting department;
- 14 (G) Current institution placement and the security
15 level assigned to the institution;
- 16 (H) Custody level assignment;
- 17 (I) Whether the reason for admission to the reporting
18 department was for a new conviction or a
19 violation of probation, community control, or
20 parole. For an admission of probation, community
21 control, or parole violation, whether the

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- 1 violation was technical or based on a new
2 violation of law;
- 3 (J) Specific statutory citation for which the inmate
4 was committed to the department, including an
5 inmate convicted of drug trafficking;
- 6 (K) Length of sentence or concurrent or consecutive
7 sentences served;
- 8 (L) Tentative release date;
- 9 (M) Any prior incarceration within the State;
- 10 (N) Any disciplinary violation and action; and
- 11 (O) Any participation in rehabilitative or
12 educational programs while in the custody of the
13 department; and
- 14 (5) For persons supervised by the reporting department for
15 probation or community control:
- 16 (A) Name;
- 17 (B) Date of birth;
- 18 (C) Race, ethnicity, and national origin;
- 19 (D) Gender;
- 20 (E) Department-assigned case number;

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1 (F) Length of probation or community control sentence
2 imposed and amount of time that has been served
3 on the sentence;

4 (G) Projected termination date for probation or
5 community control; and

6 (H) Any revocation of probation or community control
7 due to a violation, including whether the
8 revocation is due to a technical violation of the
9 conditions of supervision or a new violation of
10 law.

11 (i) The working group members and their respective
12 departments and agencies shall protect the information and data
13 that may be shared as part of the working group.

14 (j) The working group shall cease to exist on July 1,
15 2029."

16 SECTION 3. Chapter 134C, Hawaii Revised Statutes, is
17 repealed.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

4

BY REQUEST

____.B. NO.____

Report Title:

Data Sharing; Criminal Justice Data Sharing Working Group;GVVCC;
Repeal

Description:

Amends the Criminal Justice Data Sharing Working Group to combine its members and functions with certain members and functions of the Gun Violence and Violent Crimes Commission to increase efficiency and effectiveness and eliminate redundancy. Repeals chapter 134C, Hawaii Revised Statutes, which established the Gun Violence and Violent Crimes Commission.

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

GUN VIOLENCE AND VIOLENT CRIMES COMMISSION (GVVCC)

Date: Wednesday, October 18, 2023

Start Time: 10:00 AM

Place: Video Conference via Zoom

MINUTES OF MEETING

I. Meeting Call to Order

Gun Violence and Violent Crimes Commission was called to order by Chair Anne Lopez at 10:03 a.m. on Wednesday, October 18, 2023, via Zoom conferencing.

II. Roll call

Roll Call and Quorum Determination.

Commissioners/ Commissioners Designee Present:

Anne E. Lopez, Attorney General, Office of the Attorney General
Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute
Dr. Daniel J. Galanis, Department of Health
Dr. Denise Eby Konan, University of Hawaii at Manoa – College of Social Science
Dr. Gerald Busch, University of Hawaii at Manoa – John A. Burns School of Medicine
Prosecuting Attorney Andrew H. Martin, Maui Prosecutors Office
Assistant Public Defender Lee Hayakawa, Public Defenders Office
Tommy Johnson, Director, Department of Public Safety
Chief Arthur Logan, Honolulu Police Department

Commissioners Absent:

Deputy Director Jordan Lowe, Department of Public Safety
Chief Benjamin Moszkowicz, Hawaii Police Department
Assistant Chief Wade Maeda, Maui Police Department
Chief Todd G. Raybuck, Kauai Police Department
Dr. Kenneth Luke, Acting Administrator, Department of Health
One representative from a group that advocates for stricter gun safety laws.
One representative from a firearm advocacy group.

III. Review and approval of June 6, 2022, minutes

Review of June 6, 2022, GVCCC minutes. No comments or corrections were received from commission members. Chair Lopez moved, and Commissioner Martin seconded the motion to approve the minutes at 10:08 a.m. The motion passed unanimously, with all the commissioners voting in favor of the motion by group vote.

IV. Permitted Interaction Groups (PIGS) Report

a. Data Permitted Interaction and Sharing of Data, July 7, 2023, Reporter Dr. Erin E. Harbinson.

The permitted interaction group surveyed the city and county police departments to understand the landscape of violent crimes and to determine how the arrest data is collected to assess crime rates. The survey showed that (i) not every agency collects or shares the same data; (ii) arrest information is one of the most important sources for understanding violent crime; (iii) there are different ways to define violent crime categories at a local level; and (iv) people have different interpretations of violent crimes.

b. Research Projects and Research Funding, November 2, 2022, Reporter Denise E. Konan Ph.D.

Discussed the need to define gun violence and standardize data collection and identifiers. The PIG learned that agencies do not have the same record management systems, which results in inconsistent data collection and reporting. The PIG presented the 2022 Research Projects and Research Funding Annual Report. The purpose of the report was to attempt to identify where and what research is currently available. Five main research areas were identified:

- 1) Firearms registration and reporting, whether there is a nexus between the presence of guns and public safety.
- 2) Understanding the presence of ghost guns in our community: potential expansion of ghost guns.
- 3) Change in conceal, carry, and firearms registration procedures.
- 4) Increase in juvenile crimes; whether guns were involved; motivations for using guns; the way guns were obtained; ethnicity, geographics, and gang violence.
- 5) Domestic violence; whether there is an increase in domestic violence; demographics most affected.

No further discussion or comment.

V. Legislative discussion.

Discussed the repeal of Act 134C of the 2020 Session Laws of Hawaii. The Data Working Group, established pursuant to Act 157, Session Laws of Hawaii, 2023, and the GVVCC consists of the same members as the GVVCC, with the same goals related to data, such as how the data is obtained, who has the data, where

the data is maintained, what data is missing, and how the data can be used to increase public safety.

The concern with having multiple groups working simultaneously towards the same goals raises the concern resources are being wasted and that these groups do crossover significantly. The GVVCC agreed that merging the GVVCC with the Data Sharing Group and including other agencies and public interest groups makes sense. The consensus of GVVCC was to propose legislation to repeal Act 134C. Chair Lopez moved, and the motion passed unanimously, with all the commissioners voting in favor of the motion by group vote at 11:24 a.m.

No further discussion or comment.

VI. Next step

The next GVVCC meeting is anticipated sometime in January 2024.

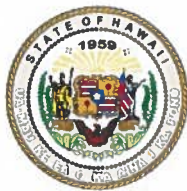
No further discussion or comment.

VII. Adjournment

Chair Lopez moved, and the group seconded the motion for the meeting to adjourn.

Chair Lopez adjourned the meeting at 11:28 a.m.

JOSH GREEN, M.D.
GOVERNOR



ANNE E. LOPEZ
ATTORNEY GENERAL

MATTHEW S. DVONCH
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Ka 'Oihana O Ka Loio Kuhina
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

November 20, 2023

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

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

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report of the Gun Violence and Violent Crimes Commission, as required by section 134C-3(e), Hawaii Revised Statutes (HRS). In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

Handwritten signature of Anne E. Lopez.

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Luis Salaveria, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, Ph.D., President, University of Hawaii

Enclosure

JOSH GREEN, M.D.
GOVERNOR



ANNE E. LOPEZ
ATTORNEY GENERAL

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MATTHEW S. DVONCH
FIRST DEPUTY ATTORNEY GENERAL

REPORT OF THE GUN VIOLENCE AND VIOLENT CRIMES COMMISSION

Pursuant to Section 134C-3(e), Hawaii Revised Statutes

Submitted to the Thirty-Second State Legislature
Regular Session of 2024

Act 74, Session Laws of Hawaii 2020 (Act 74), was enacted on September 15, 2020. Act 74 added chapter 134C to the Hawaii Revised Statutes (HRS), and established the Gun Violence and Violent Crimes Commission (GVVCC). Pursuant to section 134C-1, HRS, the GVVCC is placed within the Department of the Attorney General for administrative purposes only. Section 134C-3(e), HRS, requires the GVVCC to submit a report of its findings and recommendations on policy relating to preventing gun violence and violent crimes, including any proposed legislation, to the Legislature no later than forty days prior to the convening of the regular session of 2022 and each regular session thereafter.

I. The Gun Violence and Violent Crimes Commission

The purposes of the GVVCC are to address gun violence and violent crimes in Hawai'i and to provide coordination, facilitation, and planning among state, county, and federal agencies and other partners as appropriate to carry out its purposes.

Pursuant to statute, the GVVCC shall endeavor to:

- (1) Identify relevant data that may be used to reduce gun violence and violent crimes;
- (2) Identify areas in which relevant data is not available;
- (3) Maximize the sharing between the agencies represented on the GVVCC and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and
- (4) Coordinate and conduct research on gun violence and violent crimes.

The GVVCC may also work with and engage stakeholders for the purposes of chapter 134C, HRS.

II. GVVCC Members

The Attorney General, Anne Lopez, GVVCC Chair;

The designee of the Chief Justice of the Supreme Court of Hawai'i, Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute, serving as the GVVCC Treasurer;

The designee of the Director of Health, Dr. Daniel J. Galanis, Epidemiologist, Department of Health;

The Director of Public Safety, Director Tommy Johnson, Department of Public Safety (note that this member will be replaced by the Director of Law Enforcement on January 1, 2024, pursuant to section 134C-2(b)(3), HRS);

A county prosecuting attorney selected by the chair of the GVVCC, Andrew H. Martin, Prosecuting Attorney, County of Maui, serving as the GVVCC Secretary;

The designee of the State Public Defender, Assistant Public Defender Lee S. Hayakawa, Office of the State Public Defender;

The Chief of Police of the Hawaii County Police Department, Chief Benjamin Moszkowicz;

The Chief of Police of the Honolulu Police Department, Chief Arthur "Joe" Logan;

The Chief of Police of the Kauai Police Department, Chief Todd G. Raybuck;

The Chief of Police of the Maui Police Department, Chief John Pelletier;

The Administrator of the Hawaii State Hospital, Kenneth Luke, M.D.;

The Dean of the College of Social Sciences at the University of Hawai'i at Manoa, Dr. Denise Eby Konan; and

The designee of the Dean of the John A. Burns School of Medicine, Dr. Gerald Busch, serving as the GVVCC Vice Chair.

No appointments/selections were made for the following members required pursuant to section 134C-2 (b)(10) and (11), HRS:

One representative from a group that advocates for stricter gun safety laws; and

One representative from a firearm advocacy group.

III. Activities of the GVVCC

The GVVCC conducted one commission meeting and three Permitted Interaction Group (PIG) meetings. The following is a summary of the presentations and discussions.

At its October 18, 2023, meeting, the commission:

- (1) Reviewed and approved the June 6, 2022, GVVCC meeting minutes.
- (2) Received reports from the Permitted Interaction Groups, as follows:
 - (A) Data Permitted Interaction and Sharing Data Group, July 7, 2023, Reporter Dr. Erin E. Harbinson. This permitted interaction group surveyed the city and county police departments to understand the landscape of violent crimes and to determine how the arrest data is collected to assess crime rates. The survey (Attachment A) showed that:
 - (i) Not every agency collects or shares the same data;
 - (ii) Arrest information is one of the most important sources for understanding violent crime;
 - (iii) There are different ways to define violent crime categories at a local level; and
 - (iv) People have different interpretations of what constitutes violent crimes.
 - (B) Research Projects and Research Funding Group—two meetings, November 2, 2022, and July 11, 2023, Reporter Dr. Denise Eby Konan. This permitted interaction group discussed the need to define gun violence and standardize data collection and identifiers. The PIG learned that agencies do not have the same record management systems, which results in inconsistent data collection and reporting. The PIG presented the 2022 Research Projects and Research Funding Annual Report (Attachment B). The purpose of the report was to attempt to identify where and what research is currently available. Five main research areas were identified:
 - (i) Firearms registration and reporting: whether there is a nexus between the presence of guns and public safety;
 - (ii) Understanding the presence of ghost guns in our community: potential expansion of ghost guns;
 - (iii) Change in conceal, carry, and firearms registration procedures;

- (iv) Increase in juvenile crimes: whether guns were involved; motivations for using the guns; the way guns were obtained; ethnicity, geographics, and gang violence; and
 - (v) Domestic violence: whether there is an increase in domestic violence and demographics most affected.
- (3) Discussed the repeal of chapter 134C, HRS. The Data Working Group established pursuant to Act 157, Session Laws of Hawaii, 2023, consists of the same members as the GVVCC, with the same goals related to data, such as how the data is obtained, who has the data, where the data is maintained, what data is missing, how the data can be used to increase public safety.

Having multiple groups working simultaneously towards the same goals raises the concern that resources are being wasted because of the significant crossover of responsibilities of these groups. The GVVCC agreed that merging the GVVCC with the Data Sharing Group and including other agencies and public interest groups makes sense. The consensus of GVVCC was to propose legislation to repeal chapter 134C, HRS.

IV. Accounting of Expenditures

The Office Assistant IV position to assist the GVVCC in operations and research projects was filled on August 1, 2023.

V. Proposed Legislation

Propose legislation for the 2024 Legislative Session to repeal chapter 134C, HRS.