



# UNIVERSITY OF HAWAI'I SYSTEM

## ANNUAL REPORT

REPORT TO THE 2004 LEGISLATURE

CONVENING A TASK FORCE TO DETERMINE WHETHER HAWAII SHOULD  
ENACT A THREE STRIKES LAW

Senate Concurrent Resolution 86, 2003

January 2004

The Task Force established by Senate Concurrent Resolution No. 86 and charged to Determine Whether Hawai'i Should Enact a Three Strikes Law has met regularly, discussed issues vigorously, and deliberated at considerable length. We benefited immeasurably from the invaluable assistance of members of the Sentencing Simulation Model Project and of Malia Marks, a graduate student in Sociology at the University of Hawaii-Manoa.

Our conclusion is that Hawai'i should not enact a new Three-Strikes Law as modeled on California's example. We so conclude primarily because of our concerns about the mislabeling done by such a statute that tends to mislead the public, as well as because our analysis suggests that California's law sweeps too broadly and has not been proven to be effective. Some members of the Task Force also expressed their concerns about the projected cost and burden on the prison system if Hawai'i were to follow California's model closely.

We also considered the Three Strikes Laws of other states and the federal government. At the same time, however, we began to consider the extent to which Hawai'i already has on the books several aspects of our criminal law that closely resemble Three Strikes laws elsewhere. Through the Repeat Offender and Extended Imprisonment provisions that are already parts of our criminal code, Hawai'i mirrors the additional and extended imprisonment laws found around the country.

That said, the Task Force undertook to consider possible improvements in the ways that our existing statutory framework deals with repeat serious offenders. We recommend that a new subsection be added to Sec. 706 to include special sentencing provisions for habitual violent offenders, as indicated in the attached proposal.