

2024

LEGISLATIVE PRIORITIES

ACLU OF HAWAII

Carrie Ann Shirota, Policy Director

cshirota@acluhawaii.org

(808) 380-7052

Josh Frost, Policy Assistant

jfrost@acluhawaii.org

(808) 399-8992



www.acluhi.org



@acluhawaii



@acluhawaii



@acluhawaii

DECRIMINALIZING POVERTY

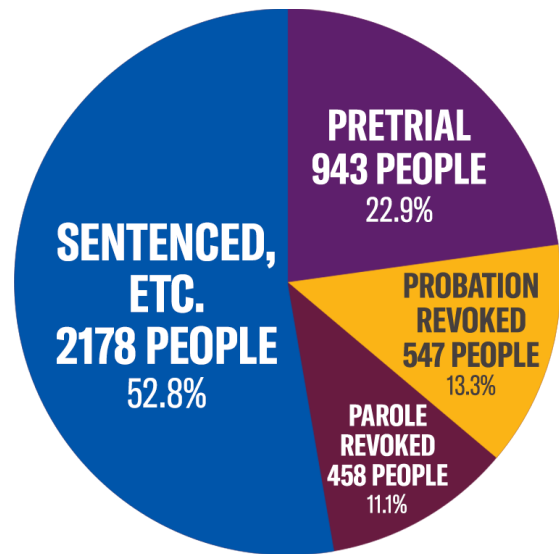
We cannot criminalize our way out of houselessness and poverty. Alongside our work in the courts, we champion public policies that invests in meeting everyone's needs and eliminates economic and racial disparities.

When enough hardships collide at once — like losing your job, healthcare, food stamps, housing, leaving a domestic violence situation—you end up with no place to go. This primarily impacts BIPOC (Black, Indigenous, & People of Color), military veterans, domestic violence survivors, LGBTQ+ youth, people with disabilities, and other marginalized communities.

ACLU of Hawai'i supports measures where we see people with limited resources being criminalized not as a personal failure but as a societal failure, and where cycles that criminalize poverty no longer exist.



O.C.C.C. JAIL POPULATION



SOURCE: State of Hawai'i Department of Public Safety, "Weekly Population Report - 03-28-2022"

PRETRIAL FAIRNESS

On any given day, approximately 50% of people in Hawai'i's jails have not been convicted of a crime. Hundreds of people are incarcerated simply because they cannot afford the bail.

Our pretrial system is a destructive form of wealth-based detention that perpetuates cycles of poverty, increases the likelihood of criminal legal system involvement, overcrowds jails, and disproportionately harms Native Hawaiians, Pacific Islanders, and marginalized communities who are overrepresented in the criminal legal system.

It is far past time to seriously address these disparities in our carceral and judicial systems.



SMART JUSTICE

The ACLU's Smart Justice campaign seeks to reduce jail and prison populations by 50% and to eliminate racism in the criminal legal system.

Smart Justice means safer communities, fewer people behind bars, and fewer taxpayer dollars wasted on unnecessary incarceration.

Hawai'i is one of the top 25 incarcerators in the world, with Native Hawaiians making up the highest percentage of jail and prison populations at every stage of the carceral system.

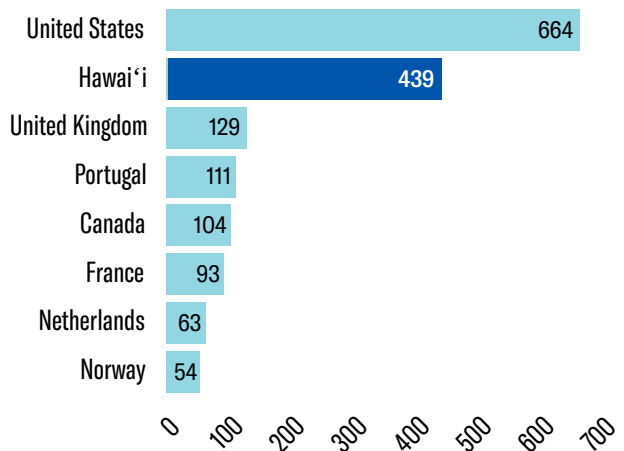
ADULT USE CANNABIS LEGALIZATION

The war on drugs is a failure — and it has harmed our communities in the process. The enforcement of cannabis prohibition laws wastes taxpayer dollars, perpetuates racial disparities, ruins lives, and puts people with minor non-violent convictions in severely overcrowded jails and prisons. Native Hawaiians, who do not use drugs at a higher rate than others, are incarcerated for drug offenses far more often than any other ethnicity in Hawai'i (OHA, 2010).

What's more, current policy wastes millions of dollars every year. For example, it costs Hawai'i taxpayers more than \$90,000 per year to incarcerate one adult. We believe those dollars could be put to far better use.

It's time to put misguided policies behind us and follow the 23 other states that have already legalized recreational use of cannabis by responsible adults.

INCARCERATION RATES PER 100,000 PEOPLE



SOURCE: Prison Policy, "Comparing Hawaii and Founding NATO Countries", 2021

CLEAN SLATE

Clean Slate would expand eligibility for expungement and establish a government initiated record clearance process, rather than requiring eligible individuals to file a paper application for expungement.

This will have a huge impact on people's lives, especially in Native Hawaiian, Pacific Islander, Black, and Filipino communities that are disproportionately impacted by the criminal legal system in Hawai'i.

Every person living with a record deserves a fair chance to support themselves and their families.

HAWAI'I CORRECTIONAL SYSTEMS OVERSIGHT COMMISSION

The Hawai'i Correctional Systems Oversight Commission (HCSOC) was created in 2019 to "ensure transparency, support safe conditions for employees, inmates, and detainees, and provide positive reform towards a rehabilitative and therapeutic correctional system." We are asking the Legislature to fully fund the HCSOC to fulfill its statutory mandate.

Specifically, the HCSOC needs two full-time positions to conduct investigations into our severely overcrowded jails and prisons, providing an opportunity to remedy systemic violations of federal and state laws, rules and internal policies, and procedures.

Over 50% of people in Hawai'i are saddled with criminal records, including traffic offenses, which creates barriers to accessing jobs, housing, education, starting a business, and participating fully in social and civic community life.

Clean Slate laws would remove these substantial barriers and enhance opportunities for people to contribute to their community, have a fair opportunity to work, and provide for themselves and their families.



Hawai'i must redirect funding away from mass incarceration and into health, housing, and social services and invest in our communities.

MARRIAGE EQUALITY



The ACLU of Hawai'i is committed to safeguarding the fundamental freedom to marry. We, alongside Hawai'i LGBTQ Legacy Foundation, Papa Ola Lōkahi, Council for Native Hawaiian Advancement, and Hawai'i Health & Harm Reduction Center, launched the "Change 23" Campaign to protect the right to marry by proposing a state constitutional amendment to secure marriage equality.

Section 23 must be repealed to ensure that the fundamental right to marry is protected from prospective adverse decisions by the U.S. Supreme Court, the U.S. Congress, and state legislative action.

Visit change23.org to learn more and get involved!

Currently, Article 1, section 23 of Hawai'i's Constitution gives authority to the state legislature to reserve marriage to opposite-sex couples. It is time to remove this discriminatory language and ensure that the fundamental right to marry is protected and enshrined in our Hawai'i Constitution.

For decades, our laws have prohibited discrimination and enforced legal protections that have been extended on the basis of sex. By repealing Section 23, we will strengthen Hawai'i's position as a leader in civic equality.

TIMELINE

1998

The Hawai'i State Constitution is amended to include Article 1, Section 23., which gives Hawai'i's legislature the authority to limit marriage.

2013

Hawai'i joins an increasing number of states that recognized same-sex marriages through legislative enactment.

2015

The U.S. Supreme Court declares that the fundamental right to marry is guaranteed by the Due Process and Equal Protection Clauses of the U.S. Constitution.

2022

The Respect for Marriage Act requires the federal government and all states and territories to recognize the validity of queer and interracial civil marriages while also protecting religious liberty.