



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 832

July 11, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith HB2265 HD2 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB2265 HD2 SD1 CD1

A BILL FOR AN ACT RELATING TO
CORRECTIONS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

VETO

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 2265
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. The legislature finds that presently there are
2 three major components that make up the department of public
3 safety: administration, law enforcement, and corrections. The
4 responsibility of corrections is to provide a safe and humane
5 environment for those offenders that the courts commit to the
6 department and to ensure the safety of the community by
7 preventing escapes and preparing the inmates that one day may
8 return to society.

9 Therefore, within corrections, there are programs such as
10 supervised release, managed by the intake service centers, and
11 work furlough, operated by the community correctional centers,
12 to fulfill those objectives. Staff assigned to these programs
13 conduct assessments to identify those inmates appropriate for
14 these programs and provide supervision and monitoring upon their
15 conditional release into the community.

16 The legislature further finds that the field service branch
17 of the Hawaii paroling authority provides similar adult
18 supervisory and counseling services to parolees and monitors

HB2265 CD1 HMS 2006-3760



1 issued by the State or by any such agency, and to the extent,
2 and only to the extent, necessary to effectuate this intent, the
3 governor may modify the strict provisions of this Act, but shall
4 promptly report any such modification with reasons therefor to
5 the legislature at its next session thereafter for review by the
6 legislature.

7 SECTION 11. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 12. This Act shall take effect upon its approval;
10 provided that sections 2 through 8 shall take effect on July 1,
11 2007.

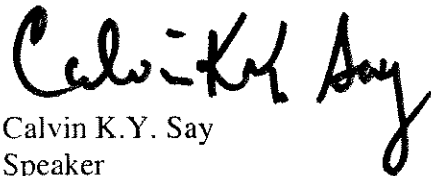


HB No. 2265 HD 2 SD 1 CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2265, entitled "A Bill for an Act Relating to Corrections," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2265 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2265 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2265

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2265, entitled "A Bill for an Act Relating to Corrections."

This bill would transfer the supervisory and counseling functions of paroled individuals along with positions and employees from the field service branch of the Hawaii Paroling Authority to the Department of Public Safety.

This bill is objectionable because it creates a conflict of interest on the part of the Department of Public Safety in rendering services to be relied upon by the Hawaii Paroling Authority. The Hawaii Paroling Authority utilizes the reports and recommendations of its independent supervisory and counseling staff in its field service branch in rendering its decisions on whether to re-incarcerate parole violators. To the extent that the Department of Public Safety's interest is in the operation and management of jails and prisons and accommodating those committed to incarceration, its recommendations to the Hawaii Paroling Authority against re-incarceration could be called into question creating an undue conflict between the two governmental bodies.

This bill erodes the independence and objectivity the Hawaii Paroling Authority must exercise when making decisions about recommitting convicted felons and also protecting the safety of the community.

The bill fails to note that the populations the Department of Public Safety supervises in its Intake Services Center are different from the populations the Hawaii Paroling Authority is responsible for supervising. It should be noted

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2265
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that the proposed transfer is opposed by those respected in the law enforcement community, including the Honolulu Prosecuting Attorney, the Attorney General, members of the Judiciary, and the senior management of the Department of Public Safety.

For the foregoing reasons, I am returning House Bill No. 2265 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii