

PROPOSED

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.B. NO. 45
S.D. 1

A BILL FOR AN ACT

RELATING TO GOVERNMENT OPERATIONS.

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

1 SECTION 1. Section 353-61, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§353-61 Hawaii paroling authority; appointment; tenure;**
4 **qualifications.** Members of the paroling authority shall be
5 nominated by a panel composed of the chief justice of the Hawaii
6 supreme court, the director, the president of the Hawaii
7 Criminal Justice Association, the president of the bar
8 association of Hawaii, a representative designated by the head
9 of the Interfaith Alliance Hawaii, a member from the general
10 public to be appointed by the governor, and the president of the
11 Hawaii chapter of the National Association of Social Workers.
12 The panel shall submit to the governor the names of not less
13 than three persons, designated as the nominees, for chairperson
14 or as a member, for each vacancy. The requirement for
15 nomination by the panel established under this section shall
16 only apply to a nominee's nomination by the governor to an
17 initial term on the paroling authority or if a vacancy occurs;



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1 provided that the requirement for nomination by the panel shall
2 not apply to any subsequent consecutive term of a sitting
3 paroling authority member or chairperson whose initial
4 appointment to office was made pursuant to a nomination by the
5 panel. The governor shall appoint, in the manner prescribed by
6 section 26-34, a paroling authority to be known as the Hawaii
7 paroling authority, to consist of three members one of whom
8 shall be designated chairperson. Appointments shall be made for
9 terms of four years, commencing from the date of expiration of
10 the last preceding term. Any vacancy in an unexpired term shall
11 be filled by appointment for the remainder of the unexpired
12 term. Nominees to the authority shall be selected on the basis
13 of their qualifications to make decisions that will be
14 compatible with the welfare of the community and of individual
15 offenders, including their background and ability for appraisal
16 of offenders and the circumstances under which offenses were
17 committed.

18 For the purposes of this section, the term "vacancy" means
19 the lack of an incumbent member or chairperson to serve on the
20 paroling authority due to the resignation, disqualification,
21 incapacity, or death of the member or chairperson. The term
22 "vacancy" does not include the expiration of a paroling



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1 authority member's or chairperson's term of office if the member
2 or chairperson is willing, capable, and not otherwise
3 disqualified to serve in a holdover or interim capacity."

4 SECTION 2. Any person who:

5 (1) Is currently serving as a member or chairperson of the
6 Hawaii paroling authority on the effective date of
7 this Act; and

8 (2) Has previously been nominated for service on the
9 Hawaii paroling authority pursuant to nomination by a
10 panel established under section 353-61, Hawaii Revised
11 Statutes,

12 is deemed qualified to be nominated to serve for a subsequent
13 term of office on the Hawaii paroling authority and shall not be
14 subject to any re-nomination by a panel pursuant to section
15 353-61, Hawaii Revised Statutes; provided that this Act shall
16 not be construed to affect the application of term limits
17 established under section 26-34, Hawaii Revised Statutes.

18 SECTION 3. Any person who:

19 (1) Is currently serving as a member or chairperson of the
20 Hawaii paroling authority on the effective date of
21 this Act;



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1 (2) Has previously been nominated for service on the
2 Hawaii paroling authority pursuant to a nomination by
3 a panel established under section 353-61, Hawaii
4 Revised Statutes; and

5 (3) Has been confirmed by the senate to serve on the
6 Hawaii paroling authority after June 30, 2006, and
7 prior to the effective date of this Act,
8 is deemed confirmed and duly authorized to serve on the Hawaii
9 paroling authority for the position and term to which appointed.

10 SECTION 4. New statutory material is underscored.

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



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Report Title:

Government Operations; Paroling Authority

Description:

Clarifies that, for the nomination of paroling authority members, only a nominee's initial appointment is subject to a recommendation by a nomination panel. (SD1)

