

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO PAROLE.

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

1           SECTION 1. The legislature finds that the Hawaii paroling  
2 authority, through its parole release programs, must continue to  
3 strive to provide a meaningful opportunity for individual  
4 offenders to successfully reintegrate into society while serving  
5 their sentences. The legislature also finds that, in addition  
6 to personal effort, offenders require active family and  
7 community support, as well as employment and educational  
8 opportunities, to function as law-abiding citizens.

9           In 1993, the legislature amended section 353-64, Hawaii  
10 Revised Statutes, to require the Hawaii paroling authority to  
11 parole a committed person in the county where the committed  
12 person had a permanent residence or occupation or employment  
13 prior to incarceration, unless that person will reside in a  
14 county with a population exceeding eight-hundred thousand, or  
15 will immediately depart the State. Where none of those  
16 conditions can be met, the committed person will be released to  
17 the county of original commitment. At that time, the rationale



1 was that such a requirement would, "prevent the mass release of  
2 parolees in the county where confinement institutions are  
3 located. Otherwise, the location of new prisons on the neighbor  
4 islands will be difficult or impossible." See, S.C. Rep. 486,  
5 Judiciary on S.B. No. 833 (1993). Section 706-670, Hawaii  
6 Revised Statutes, was also amended to include that same parole  
7 requirement. In practical terms, the only county in the State  
8 of Hawaii in which the population exceeds eight-hundred thousand  
9 persons is the city and county of Honolulu.

10 As a result of this requirement, the Hawaii paroling  
11 authority is precluded from conducting an individualized  
12 assessment and paroling of committed persons to the county where  
13 they have the greatest support and opportunities to assist the  
14 offender in making a successful transition into the community  
15 upon their eventual release. The effect is that committed  
16 persons that have family, children, community support,  
17 employment, training, or educational opportunities in the  
18 counties of Kauai, Maui, and Hawaii are prohibited from being  
19 paroled to these counties, unless they had a permanent residence  
20 or occupation or employment there prior to incarceration.

21 A variety of studies have found that increased contact  
22 between inmates and their families can contribute to an inmate's



1 successful reintegration into the community after release. In  
2 making the transition back into the community, former inmates  
3 turn to their spouses, parents, siblings, grandparents, and  
4 other family members for assistance. These family members  
5 become the "front line" of reentry, providing former inmates  
6 with critical material and emotional support including shelter,  
7 food, clothing, leads for jobs, and guidance in staying sober or  
8 avoiding criminal behavior. Significantly, successful  
9 reintegration is an indicator of reduced risk of re-offense. In  
10 turn, decreased recidivism rates benefit the entire citizenry of  
11 Hawaii.

12 The purpose of this Act is to grant the Hawaii paroling  
13 authority the authority to parole committed persons to a county  
14 in the State of Hawaii where the committed person has the  
15 greatest family or community support, opportunities for  
16 employment, job training, education, treatment, and other social  
17 services. This amendment will enable the Hawaii paroling  
18 authority to achieve its mission of providing meaningful  
19 opportunities for offenders to reintegrate into society and  
20 demonstrate that they have the potential to function as law-  
21 abiding citizens.



1 SECTION 2. Section 353-64, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§353-64 Committed persons paroled.** Any committed person  
4 confined in any state correctional facility in execution of any  
5 sentence imposed upon the committed person, except in cases  
6 where the penalty of life imprisonment not subject to parole has  
7 been imposed, shall be subject to parole in manner and form as  
8 set forth in this part; provided that the committed person shall  
9 be paroled in the county where the committed person had a  
10 permanent residence or occupation or employment prior to  
11 incarceration, unless:

- 12 (1) The committed person will reside in a county in which  
13 the population exceeds eight-hundred thousand persons;  
14 [~~or~~]
- 15 (2) The committed person will be released for immediate  
16 departure from the State~~[-]~~; or
- 17 (3) The committed person will be released to a county in  
18 the State where the committed person has the greatest  
19 family or community support, opportunities for  
20 employment, job training, education, treatment, and  
21 other social services, as determined by the Hawaii  
22 paroling authority.



1 Provided further that to be eligible for parole, the committed  
2 person, if the person is determined by the department to be  
3 suitable for participation, must have been a participant in an  
4 academic, vocational education, or prison industry program  
5 authorized by the department and must have been involved in or  
6 completed the program to the satisfaction of the department; and  
7 provided further that this precondition for parole shall not  
8 apply if the committed person is in a correctional facility  
9 where academic, vocational education, and prison industry  
10 programs or facilities are not available. A grant of parole  
11 shall not be subject to acceptance by the committed person."

12 SECTION 3. Section 706-670, Hawaii Revised Statutes, is  
13 amended by amending subsection (3) to read as follows:

14 "(3) Prisoner's plan and participation. Each prisoner  
15 shall be given reasonable notice of the prisoner's parole  
16 hearing and shall prepare a parole plan, setting forth the  
17 manner of life the prisoner intends to lead if released on  
18 parole, including specific information as to where and with whom  
19 the prisoner will reside and what occupation or employment the  
20 prisoner will follow. The prisoner shall be paroled in the  
21 county where the prisoner had a permanent residence or  
22 occupation or employment prior to the prisoner's incarceration,



1 unless the prisoner will reside in a county in which the  
2 population exceeds eight-hundred thousand persons; or will  
3 reside in a county in the State where the committed person has  
4 the greatest family or community support, opportunities for  
5 employment, job training, education, treatment, and other social  
6 services, as determined by the Hawaii paroling authority; or the  
7 prisoner will be released for immediate departure from the  
8 State. The institutional parole staff shall render reasonable  
9 aid to the prisoner in the preparation of the prisoner's plan  
10 and in securing information for submission to the authority. In  
11 addition, the prisoner shall:

- 12 (a) Be permitted to consult with any persons whose  
13 assistance the prisoner reasonably desires, including  
14 the prisoner's own legal counsel, in preparing for a  
15 hearing before the authority;
- 16 (b) Be permitted to be represented and assisted by counsel  
17 at the hearing;
- 18 (c) Have counsel appointed to represent and assist the  
19 prisoner if the prisoner so requests and cannot afford  
20 to retain counsel; and
- 21 (d) Be informed of the prisoner's rights as set forth in  
22 this subsection."

1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.  
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**Report Title:**

Hawaii Paroling Authority; Parole to Other Counties; Authorized

**Description:**

Authorizes the Hawaii paroling authority to parole committed persons to any county in the State where they will receive the greatest support to successfully reintegrate into the community.

