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GOVERNOR



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No. _____

TESTIMONY ON HOUSE BILL 516, HOUSE DRAFT 1
RELATING TO SEXUAL OFFENDERS

HAWAII PAROLING AUTHORITY
Albert Tufono, Chairman

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

Thursday, April 3, 2008: 10:15 a.m.
State Capital, Conference Room 016

Chair Taniguchi, Vice Chair Hee and Members of the Committee:

The Hawaii Paroling Authority (HPA) has thoroughly reviewed House Bill 516, HD 1, which seeks to place repeat sexual offenders, who have been convicted on three prior and separate occasions for certain types of sexual offenses, on lifetime parole upon their release from prison.

While we support the intent of this measure, only those individuals convicted and sentenced to life with the possibility of parole, and those whose life without the possibility of parole sentence is later commuted to life with the possibility of parole can be placed on "lifetime" parole. Even in those cases, the HPA has the authority to eventually grant the individual a final discharge provided he/she meets our stringent criteria, and that by doing so, the discharge does not place the public at risk, nor depreciate from the seriousness of the offenses.

As currently written, this measure does not address how the HPA would be legally able to address parole violations for those placed on life time parole, whose sentence has expired. If an offender's maximum prison sentence has expired, HPA

would not have the authority to return the individual to custody for violating the terms and conditions of parole as no further time would be remaining on their prison sentence(s).

In addition, if this measure were to pass, it would necessitate a need for additional Parole Officers in this agency's Sex Offender Supervision Unit, and also additional office space, equipment, and an increase in the funding to provide Sex Offender Counseling and Relapse Prevention services indefinitely to those offenders placed on lifetime parole.

In conclusion, the Hawaii Paroling Authority does support the intent of House Bill 516, but we have serious reservations regarding implementing such a measure without a detailed review of the affects it would have on the parole population. We also note that passage of this measure may adversely impact priorities as indicated in the Governor's Executive Budget.

Thank you for the opportunity to provide testimony on this matter.

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

Hrg: Tuesday, April 3, 2008, 10:15 a.m.
1 copy required

H.B. NO. 516 HD1: RELATING TO SEXUAL OFFENDERS

Chair Taniguchi and Members of the Committee:

We oppose passage of H.B. No. 516 HD1 which provides for lifetime parole for persons convicted on two prior and separate occasions of the following offenses: Sexual Assault in the First, Second and Third Degrees and Continuous Sexual Assault of a minor. While we acknowledge the seriousness of these offenses, we do not feel that automatic lifetime parole will accomplish anything significant with respect to the safety of the public.

The repeat offenders targeted by this bill already face the possibility of mandatory minimum prison terms as well as extended terms of imprisonment. They are also subject to stringent reporting requirements under Hawaii's sex offender registry. Every time an offender changes his/her place of residence or place of employment, he/she must report the change to the county police department where the offender is located. The authorities theoretically have the ability to locate every convicted sex offender who presently resides in the state. Repeat sexual offenders already have reporting obligations under the Hawaii Sex Offender Registry for life under HRS, Chapter 846E.

We question whether the Hawaii Paroling Authority has the resources to provide significant supervision over a whole new class of parolees which would be created by this bill. If supervision is not available, this bill presents a false sense of security to the public. Also, creation of yet another layer of restrictions on sex offenders will make it impossible for these persons to rebuild their lives and obtain employment and housing. Such a situation will force more persons to government assistance and ultimately, the taxpayer becomes responsible for their subsistence.

Thank you for the opportunity to comment on this bill.