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No. _____

TESTIMONY ON SENATE BILL 2083
RELATING TO THE SUPERVISION OF ADULT OFFENDERS

HAWAII PAROLING AUTHORITY
Max Otani, Deputy Compact Administrator

Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair

Tuesday, February 5, 2008, 2:45 p.m.
State Capital, Conference Room 225

Chair Espero, Vice Chair Nishihara and members of the Committee:

The Hawaii Paroling Authority strongly supports Senate Bill 2083 relating to the interstate council and interstate transfer of adult offenders. However, the following modifications to this bill is being recommended:

- The interstate transfer fee should be assessed on cases that are requesting to transfer out of Hawaii.
- The compact administrator should be exempted from term limits.
- The sum appropriated for the purpose of the Act should be expended by the Judiciary.

Enacted in 2002, the Interstate Commission for Adult Offender Supervision (ICAOS) serves as the national governing body for the movement of probation and parole offenders in the United States. Rules have been established and the

commission has the authority to enforce these rules and sanction states that are not in compliance. Fines and mandatory corrective measures have been placed on states that have not complied with ICAOS standards. The increase to the state council's membership would aid in the oversight of interstate transfer as the recommended members are key components to the criminal justice system in Hawaii.

The full time coordinator's position is needed to ensure Hawaii will be in compliance with the interstate rules. Timely handling and responding to documents and inquiries are vital in interstate compliance. Due to the complexity and ever changing rules from ICAOS, a full time position dedicated to interstate transfer is truly needed. Application fees collected from offenders wishing to transfer out of Hawaii, could be used to assist in the funding of this position.

Thank you for this opportunity to testify in this matter and we ask for your support in passing this bill.



Testimony to the Senate Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair
Tuesday, February 5, 2008, 2:45 p.m.
State Capitol, Conference Room 225

By

Janice Yamada
Hawai'i Commissioner
State Council for Interstate Adult Offender Supervision

Bill No. and Title: Senate Bill No. 2083, Relating to the Supervision of Adult Offenders.

Purpose: The purpose of this measure is to increase the membership of the State Council for Interstate Offender Supervision, appropriate funds for a full time coordinator position for the council, and authorize the Judiciary to assess a fee on probationer and parolee transfer applications.

Judiciary's Position:

The Judiciary strongly supports Senate Bill No. 2083 as it will increase the membership of the State Council that oversees interstate compact activities, appropriate funds for a coordinator position for the State Council, and authorize the Judiciary to assess fees for probationer and parolee transfer applications. However, we would like to recommend some modifications to the bill as follows:

- 1) The Interstate Transfer application fee shall be assessed to cases transferred out of Hawai'i and funds collected shall be deposited into the State general fund;
- 2) The term of the compact administrator on the State Council, like that of the Director of the Department of Public Safety, be exempted from a limited term; and,
- 3) The coordinator for the State Council be placed within the Judiciary rather than the Department of Public Safety.

A proposed bill with these suggested modifications is attached.



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The State Council for Interstate Offender Supervision is important because it oversees Hawai'i's participation in interstate compact activities and is responsible for the development of policy concerning operations and procedures of the compact. The compact rules govern the transfer of the supervision of probationers and parolees between states. Currently, the State Council is composed of the following individuals: a member of the State House of Representatives, a member of the State Senate, a member of the Judiciary, Director of the Department of Public Safety or director's designee, a member from the general public representing victims groups, and the compact administrator. The bill expands the composition of the council to include representatives from the Department of the Prosecuting Attorney, the Office of the Public Defender, and Attorney General's Office. It is important that these individuals be added to the Council as they are involved in ensuring the safety of Hawai'i's citizens. They will have an opportunity to participate actively in developing policy concerning operations of the compact and help oversee the formal agreement between states that tries to systematically control movement of offenders.

The Interstate Commission for Adult Offender Supervision Rule 4.107 states that a sending state may impose a fee for each transfer application prepared for an offender. In view of the time spent in processing an offender for transfer to another state, a fee not to exceed \$200 is reasonable and should be assessed. This fee will also help defray some of costs for the coordinator position that is being requested. The Judiciary's proposed bill clarifies that the fee be assessed on applications made by probationers and parolees for transfer out of Hawai'i rather than into Hawai'i and that the funds collected go into the general fund.

Hawai'i's current law indicates that the terms of all members shall be for four years and no person shall be appointed consecutively to more than two terms. The bill proposed by the Judiciary asks that the compact administrator be exempted from a limited term as this individual is responsible for overseeing the daily activities of Hawai'i's interstate office and coordinating all of the activities of the State Council.

This bill will add a full time coordinator who is needed to handle all of the Interstate Compact cases. Hawai'i has a bifurcated system and is responsible for the supervision of 177 probationers and 64 parolees from jurisdictions on the mainland. On the average, the compact office also receives approximately twenty new cases per month. In addition to the supervision of offenders, staff process incoming and outgoing probation and parole transfer requests. On a daily basis, the compact staff will respond to telephone calls, faxes and e-mail inquiries for up to 30 cases. The position will ensure that compact requests are processed on a timely basis and that Hawai'i is abiding by the rules of the compact.

The current bill places the coordinator position within the Department of Public Safety. We would like to request that the position be placed within the Judiciary as the Hawai'i Interstate Compact Administrator and one Deputy Compact Administrator are located within the Judiciary's Probation Office. The Probation Office also receives the majority of the interstate requests and correspondence, and screens and disseminates the information to the Neighbor Island Circuits and the Parole Office.



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In summary, the Judiciary is in full support of the bill with the modifications indicated above.

Thank you for the opportunity to testify on Senate Bill No. 2083.

A BILL FOR AN ACT

RELATING TO THE SUPERVISION OF ADULT OFFENDERS.

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

1 SECTION 1. Chapter 353B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353B- Interstate transfer application fee. The
5 judiciary may assess a fee not to exceed \$200 for each
6 application made by a parolee or probationer for a transfer out
7 of Hawaii. All funds collected pursuant to this section shall
8 be deposited into the general fund."

9 SECTION 2. Section 353B-3, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) There is established the state council for interstate
12 adult offender supervision, which shall be placed
13 administratively in the judiciary. The council shall be
14 composed of [~~five~~] nine members to be appointed as follows:

- 15 (1) One member of the house of representatives appointed
16 by the speaker of the house of representatives;
17 (2) One member of the senate appointed by the senate
18 president;

- 1 (3) One member of the judiciary appointed by the chief
2 justice of the supreme court;
- 3 (4) The director of public safety, or the director's
4 designee;
- 5 (5) One member from the general public representing
6 victims groups appointed by the governor; ~~and~~
- 7 (6) The prosecuting attorney of the city and county of
8 Honolulu, or the prosecuting attorney's designee;
- 9 (7) The attorney general, or the attorney general's
10 designee;
- 11 (8) The state public defender, or the state public
12 defender's designee; and
- 13 ~~[+6]~~ (9) The compact administrator, appointed by the
14 governor, with the advice and consent of the senate
15 and the chief justice.
- 16 With the exception of the director of public safety~~[7]~~ or the
17 director's designee, and the compact administrator, the terms of
18 all members shall be for four years; provided that the victims
19 group representative ~~[and the compact administrator]~~ shall be
20 subject to section 26-34. No person shall be appointed
21 consecutively to more than two terms."

1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$, or so
3 much thereof as may be necessary for fiscal year 2008-2009, for
4 one full-time coordinator position to help carry out the duties
5 of the interstate compact for the supervision of adult
6 offenders.

7 The sum appropriated shall be expended by the judiciary for
8 the purposes of this Act.

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

11 SECTION 5. This Act shall take effect on July 1, 2008.

Report Title:

Adult Offender Supervision; Transfer Fee; Appropriation

Description:

Authorizes fee on parolee and probationer transfer-out applications. Increases membership of state council for interstate adult offender supervision. Exempts compact administrator from term limits. Appropriates funds for coordinator position.