

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 ALAKEA STREET, GROUND FLOOR  
Honolulu, Hawaii 96813

ALBERT TUFONO  
CHAIR

DANE K. ODA  
MEMBER

ROY W. REEBER  
MEMBER

MAX OTANI  
A/ADMINISTRATOR

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 2083, SD 1  
RELATING TO THE SUPERVISION OF ADULT OFFENDERS**

**HAWAII PAROLING AUTHORITY  
Max Otani, Deputy Compact Administrator**

Committee on Ways and Means  
Senator Rosalyn H. Baker, Chair  
Senator Shan S. Tsutsui, Vice Chair

Tuesday, February 22, 2008, 11:00 a.m.  
State Capital, Conference Room 211

Chair Baker, Vice Chair Tsutsui and Members of the Committee:

The Hawaii Paroling Authority strongly supports Senate Bill 2083, S.D.1 relating to the interstate council and interstate transfer of adult offenders. However, the following modification to this bill is being recommended:

- The interstate transfer fee should only be assessed on cases that are requesting transfer out of Hawaii

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 aide 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 Ways and Means**

The Honorable Rosalyn H. Baker, Chair  
The Honorable Shan S. Tsutsui, Vice Chair  
Friday, February 22, 2008, 11:00 a.m.  
State Capitol, Conference Room 211

By

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

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2083, S. D. 1, Relating to the Supervision of Adult Offenders.

**Purpose:** This measure increases the membership of the State Council for Interstate Offender Supervision, appropriates funds for a full time coordinator position for the council under the Judiciary, and authorizes the Judiciary to assess a fee on probationer and parolee transfer applications.

**Judiciary's Position:**

The Judiciary strongly supports Senate Bill No. 2083, S.D. 1. First of all, this bill increases the membership of the State Council for Interstate Offender Supervision which 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 to try and insure public safety. 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 the 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.

Secondly, this bill will add a full time coordinator who will handle all of the Interstate Compact matters. Hawai'i has a bifurcated system and is currently responsible for the supervision of 177 probationers and 64 parolees from jurisdictions on the mainland. On the



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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. It is essential for the Interstate Office to have a full time coordinator because much of the correspondence is time sensitive and needs to be processed on a timely basis to ensure that Hawai'i is abiding by the rules of the compact. Recently, two mainland states were assessed fines that were later suspended because they had not abided by the rules of the compact. These states needed to go through an extensive monitoring system by the National Interstate Office. The Hawaii Interstate Office wants to have a designated staff person to help insure that all cases and correspondence are processed on a timely basis.

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 from Hawaii 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. During the 2007 calendar year, 230 transfer requests were processed. If a \$200 fee had been assessed for each of these cases, the state would have generated income in the amount of \$46,000 which could be used to fund the salary for the coordinator's position.

This measure includes a transfer fee assessed for cases transferring to or transferring out of Hawai'i. In order to conform with the above-mentioned rule, the Judiciary respectfully requests that the above-mentioned fee be imposed on offenders transferring out of Hawai'i only, because the Judiciary already imposes a probation services fee for cases transferring to Hawaii.

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 proposes 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.

In closing, the Judiciary is in full support of the bill. Thank you for the opportunity to testify on Senate Bill No. 2083, S.D. 1.