

JAN 23 2009

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. The legislature believes that the State would
2 benefit from a less-expensive alternative to incarceration, such
3 as the electronic monitoring of non-violent committed persons
4 who are permitted to live and work in the community. The
5 purpose of this Act is to establish and fund an electronic
6 monitoring pilot program for eligible committed persons.

7 SECTION 2. (a) By not later than , the
8 department of public safety shall establish and administer an
9 electronic monitoring pilot program on Oahu for eligible
10 committed persons. Program participants shall be permitted to
11 live and work in the community and shall be electronically
12 monitored by the department at all times. To electronically
13 monitor the participating committed persons, the department
14 shall use global positioning satellite tracking devices designed
15 to transmit and record the participant's location data.



1 (b) To be eligible to participate in the electronic
2 monitoring pilot program, a committed person, at the time of
3 admission to the program, shall:

4 (1) Be considered non-violent, as determined by the
5 department;

6 (2) Have not more than thirty-six months remaining on the
7 person's sentence;

8 (3) Be a model or near-model inmate, as determined by the
9 department;

10 (4) Have served at least fifty per cent of the committed
11 person's sentence; and

12 (5) Submit to electronic monitoring.

13 (c) The department shall design and implement a pilot
14 program that requires participants to:

15 (1) Submit to drug testing once each week;

16 (2) Maintain employment of no less than twenty hours per
17 week within twelve weeks of beginning the program;

18 (3) Secure housing prior to and during participation in
19 the program;

20 (4) Identify at least two persons, in addition to any
21 pilot program or department employees or contractors,



1 who shall provide assistance and guidance and other
2 support as needed to the participant;

3 (5) Enroll and successfully complete any rehabilitation,
4 treatment, education, or other program as required by
5 the department; and

6 (6) Participate in at least one community service project
7 each quarter, which shall be approved by the
8 department in advance.

9 (d) Notwithstanding any other law, persons convicted of
10 violating the following provisions shall not be eligible to
11 participate in the electronic monitoring pilot program:
12 sections 707-1, 707-1.5, 707-710, 707-711, 708-810, 708-820,
13 708-840, 708-841, 708-8251, 709-906, and part V of chapter 707,
14 Hawaii Revised Statutes.

15 (e) The department shall select the program participants,
16 subject to the approval of the prosecuting attorney of the
17 county in which the committed person was convicted. The program
18 shall be limited to a maximum of fifty participants at any time.

19 (f) A program participant who fails a drug test shall be
20 required to undergo drug treatment and counseling. A
21 participant who fails two drug tests while participating in the



1 program shall immediately become ineligible to participate in
2 the program and shall be placed in a correctional facility.

3 (g) An electronic monitoring program participant who is
4 arrested for committing a crime shall immediately become
5 ineligible to participate in the program and shall be processed
6 through the law enforcement and the judicial systems, as
7 necessary.

8 (h) The department may adopt rules pursuant to chapter 91
9 to effectuate this Act.

10 SECTION 3. The department of public safety shall submit a
11 report to the legislature concerning the status of the
12 electronic monitoring pilot program and make findings and
13 recommendations, including whether to continue the pilot
14 program, not later than twenty days prior to the convening of
15 the regular session of 2011.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2009-2010 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2010-2011 to establish and implement the electronic
21 monitoring pilot program for eligible committed persons.



1 The sums appropriated shall be expended by the department
2 of public safety for the purposes of this Act.

3 SECTION 5. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: Will Evers

Richard J. Durbin
Michelle D. Jordan

Mike Schulz

Tom Harkin

Gregory L. Johnson



Report Title:

Corrections; Electronic Monitoring; Pilot Program

Description:

Requires the department of public safety to establish a pilot program on Oahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration. Appropriates funds.

