

JAN 26 2009

A BILL FOR AN ACT

RELATING TO ESCAPE.

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

1 SECTION 1. Section 710-1021, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§710-1021 Escape in the second degree.** (1) A person
4 commits the offense of escape in the second degree if [~~the~~]:

5 (a) The person intentionally escapes from a correctional
6 or detention facility or from custody [-]; or

7 (b) The person knowingly fails to present himself or
8 herself to a correctional facility or detention
9 facility by the time and date ordered by a court of
10 competent jurisdiction, for the service of a term of
11 custody or confinement ordered by the court.

12 (2) Escape in the second degree is a class C felony."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

BY REQUEST

Report Title:

Correctional Facility; Escape

Description:

Expands the charge of escape in the second degree to persons who fail to present themselves to a correctional or detention facility at the date and time as ordered by the court for service of a term of custody or confinement.

SB 968

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO ESCAPE.

PURPOSE: Expand the charge of escape in the second degree to persons who fail to present themselves to a correctional or detention facility at the date and time as ordered by the court.

MEANS: Amend section 710-1021, Hawaii Revised Statutes.

JUSTIFICATION: There are many persons who are ordered to a term of custody or confinement, but who are allowed by the court to start their incarceration at a later date than the court proceeding. Many of these people do not appear on the date and time set by the court, but cannot be charged with escape. By amending this statute, these people can now be charged with escape and be held accountable for their actions.

Impact on the public: This bill will provide a means to prosecute people who have been ordered to confinement, but who continue to disobey the laws of the state. By permitting the prosecution of these people, this bill provides further public safety, by keeping people who flagrantly disobey laws incarcerated and out of the community.

Impact on the department and other agencies: This measure will provide the department with an option to ask for prosecution of defendants who do not present themselves at the date and time ordered by the court. When these defendants do not show up at the appropriate time, it creates more work for correctional staff, with little to no consequences for the defendants. This measure should encourage defendants to

follow the court's orders as well as provide an authoritative sanction for those defendants that do not follow the orders. There is a possibility that there will be a slight increase in the number of inmates. However, these inmates would have been incarcerated anyway, so the length of incarceration would only be increased upon conviction of escape. Further, once it is known that failure to show up constitutes escape, more inmates will start to follow the rules and orders and show up at the appropriate date and time. This measure could also increase prosecutions for the county prosecuting attorneys and the Department of the Attorney General.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM
DESIGNATION:

PSD 900.

OTHER AFFECTED
AGENCIES:

Department of the Attorney General, county departments of the prosecuting attorney, Judiciary.

EFFECTIVE DATE:

Upon approval.