

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

1 SECTION 1. The legislature finds that Act 193 of 2008,
2 under which the office of offender management of the department
3 of public safety has been recalculating the sentences of all of
4 Hawaii's incarcerated individuals, has dramatically increased
5 the costs of incarceration to Hawaii taxpayers. In many cases
6 this sentence recalculation has increased sentences by several
7 years, without accounting for the rehabilitation of the
8 individual.

9 This action has and will cost the State hundreds of
10 thousands of dollars in the cost of incarceration. This action
11 has also increased costs for the office of the public defender,
12 which handles the claims of incarcerated individuals on a case-
13 by-case basis.

14 SECTION 2. Act 193, Session Laws of Hawaii 2008, is
15 amended by amending section 3 to read as follows:



1 "SECTION 3. This Act shall apply to all terms of
2 imprisonment imposed [~~on or after~~] before, on, or after the
3 effective date of this Act."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Hawaii Penal Code; Multiple Sentence of Imprisonment;
Consecutive Term; Concurrent Terms

Description:

Authorizes retroactive application of the requirement that multiple terms of imprisonment run concurrently unless directed to run consecutively by law or court order.

