

JAN 25 2010

S.B. NO. 2768

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# A BILL FOR AN ACT

RELATING TO PAROLE.

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

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

4       "§353- Continuum of administrative sanctions. (a) This  
5 section applies to any committed person who:

6       (1) Has been paroled after confinement in any state  
7 correctional facility in execution of any sentence  
8 imposed upon the committed person; and

9       (2) Is subject to suspension and revocation of parole for  
10 violation of the terms and conditions of parole.

11       (b) In lieu of suspension and revocation of parole, the  
12 Hawaii paroling authority may utilize a continuum of  
13 administrative sanctions for violations of terms and conditions  
14 of parole. The purpose of a continuum of administrative  
15 sanctions is to encourage the Hawaii paroling authority to work  
16 with offenders in the community rather than revoking parole for  
17 violations of terms and conditions of parole.



1        In cases of a violation of a term or condition of parole,  
2 the Hawaii paroling authority may impose one or more of the  
3 sanctions provided in this subsection. The continuum of  
4 administrative sanctions may include adjustments to the level of  
5 supervision, including but not limited to:

6        (1) Modifications or additions to the terms and conditions  
7 of parole; and

8        (2) Imposition of any other appropriate and available  
9 sanctions, including:

10        (A) Re-imprisonment as provided in subsection (c);

11        (B) Community service for a specified number of  
12 hours;

13        (C) House arrest or home detention;

14        (D) Electronic surveillance or monitoring;

15        (E) Substance abuse treatment;

16        (F) Sex offender treatment;

17        (G) Anger management counseling; and

18        (H) Domestic abuse counseling.

19 The Hawaii paroling authority may require the parolee who  
20 receives counseling or treatment services under this subsection  
21 to contribute to the cost of the treatment or program.



1        (c) As part of the continuum of administrative sanctions,  
2 if the Hawaii paroling authority deems it appropriate to return  
3 the parolee to custody for a violation of a term or condition of  
4 parole, the parolee shall be returned to custody for a length of  
5 time to be determined by Hawaii paroling authority but not to  
6 exceed two years in the case of a technical violation.

7        (d) This section shall not apply if:

8        (1) The parolee has a pending criminal matter; or

9        (2) The parolee has violated a term or condition of parole  
10 for the third time."

11        SECTION 2. Section 353-66, Hawaii Revised Statutes, is  
12 amended by amending subsections (d) and (e) to read as follows:

13        "(d) [The] Except as provided in section 353- , the  
14 paroling authority may at any time order the arrest and  
15 temporary return to custody of any paroled prisoner, as provided  
16 in section 353-65, for the purpose of ascertaining whether or  
17 not there is sufficient cause to warrant the paroled prisoner's  
18 reimprisonment or the revoking of the paroled prisoner's parole  
19 or other action provided for by this part.

20        (e) [Any] Except as provided in section 353- , any  
21 paroled prisoner retaken and reimprisoned as provided in this  
22 chapter shall be confined according to the paroled prisoner's



1 sentence for that portion of the paroled prisoner's term  
2 remaining unserved at time of parole, but successive paroles  
3 may, in the discretion of the paroling authority, be granted to  
4 the prisoner during the life and in respect of the sentence."

5 SECTION 3. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

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

10 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Parole; Administrative Sanctions

**Description:**

Allows the Hawaii paroling authority to use a continuum of administrative sanctions when a parolee violates a term or condition of parole.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

