
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 department of
8 public safety shall establish and administer an electronic
9 monitoring pilot program on Oahu for eligible committed persons.
10 Program participants shall be permitted to live and work in the
11 community and shall be electronically monitored by the
12 department of public safety at all times. To electronically
13 monitor the participating committed persons, the department of
14 public safety shall use global positioning satellite tracking
15 devices designed to transmit and record the participant's
16 location data. The global positioning satellite tracking
17 devices that are to be used in the pilot program shall be able

1 to monitor and pinpoint an inmate's location whether they are
2 located inside or outside any building

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

6 (1) Be considered non-violent, as determined by the
7 department of public safety;

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

10 (3) Be a model or near-model inmate, as determined by the
11 department of public safety;

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

14 (5) Submit to electronic monitoring.

15 (c) The department of public safety shall design and
16 implement a pilot program that requires participants to:

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

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

20 (3) Secure housing prior to and during participation in
21 the program;

1 (4) Identify at least two persons, in addition to any
2 pilot program or department of public safety employees
3 or contractors, who shall provide assistance and
4 guidance and other support as needed to the
5 participant;

6 (5) Enroll and successfully complete any rehabilitation,
7 treatment, education, or other program as required by
8 the department of public safety; and

9 (6) Participate in at least one community service project
10 each quarter, which shall be approved by the
11 department of public safety in advance.

12 (d) Notwithstanding any other law, persons convicted of
13 violating the following provisions shall not be eligible to
14 participate in the electronic monitoring pilot program:
15 sections 707-701, 707-701.5, 707-710, 707-711, 708-810, 708-820,
16 708-840, 708-841, 708-851, 709-906, and part V of chapter 707,
17 Hawaii Revised Statutes.

18 (e) The department of public safety shall select the
19 program participants, subject to the approval of the prosecuting
20 attorney of the county in which the committed person was
21 convicted. The program shall be limited to a maximum of thirty
22 participants at any time.

1 (f) A program participant who fails a drug test shall be
2 required to undergo drug treatment and counseling. A
3 participant who fails two drug tests while participating in the
4 program shall immediately become ineligible to participate in
5 the program and shall be placed in a correctional facility.

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

11 (h) The department of public safety may adopt rules
12 pursuant to chapter 91 to effectuate this Act.

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

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2009-2010 and
22 the same sum or so much thereof as may be necessary for fiscal

1 year 2010-2011 to establish and implement the electronic
2 monitoring pilot program for eligible committed persons.

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

5 SECTION 5. This Act shall take effect on July 1, 2050.

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. Effective 7/1/2050. (SD1)