

JAN 23 2009

A BILL FOR AN ACT

RELATING TO PAROLE MODIFICATION.

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

1 SECTION 1. The legislature finds that the United States
2 has the highest rate of incarceration in the world. By the end
3 of 2006, there were approximately 2,400,000 prisoners in
4 correctional facilities across the country. At the same time,
5 there were 4,200,000 on probation. Unfortunately, many
6 probationers often fail to show up for scheduled appointments
7 with their probation officers. Many probationers also decline
8 to take mandatory drug tests or test positive for illegal drug
9 use. Studies show that as many as half of all probationers go
10 on to break the law again.

11 The legislature also finds that, in 2004, the circuit court
12 of the first circuit launched a probation modification project,
13 also known as Hawaii's opportunity probation with enforcement,
14 or HOPE. Under conventional probation systems, probationers
15 often commit numerous probation violations, such as failing to
16 appear for appointments with their probation officer or failing
17 a drug test. These violations typically go unpunished for



1 months or years, until the number of violations accumulate to
2 the point that the probationer faces severe consequences,
3 including revocation of probation and being sentenced to a long
4 prison term. Under the HOPE program, sanctions are imposed for
5 each probation violation. These sanctions may be relatively
6 minor, often only a few days in jail, but are imposed
7 immediately rather than months or years after the violation.

8 The legislature further finds that, as of July 2008, within
9 the test group of probationers who were involved in the HOPE
10 program for at least three months, missed appointments with
11 probation officers fell from 13.3 per cent to 2.6 per cent.
12 Similarly, the incidence of failed drug tests fell from 49.3 per
13 cent to 6.5 per cent. This reduction in violations compares
14 favorably to results from a control group of probationers who
15 were not involved in the HOPE program. In the control group,
16 the number of probation violations actually rose during the same
17 period of time.

18 The purpose of this Act is to establish a program for
19 prisoners who have been released on parole similar to the HOPE
20 program for probationers.

21 SECTION 2. The Hawaii paroling authority shall establish a
22 two-year pilot project similar to the judiciary's probation



1 modification project, Hawaii's opportunity probation with
2 enforcement. The two-year pilot parole modification project
3 shall consist of no more than thirty parolees who are considered
4 to be at high risk of violating the conditions of their parole.

5 The parole modification program shall:

- 6 (1) Provide formal warning to the parolees, in a hearing
7 before the Hawaii paroling authority, that violation
8 of the conditions of parole shall have consequences;
- 9 (2) Require the parolees to submit to weekly randomized
10 drug testing;
- 11 (3) Order the arrest of parolees who test positive for
12 illegal drug use;
- 13 (4) Order the arrest of parolees who miss a scheduled
14 appointment with their parole officer, fail to appear
15 for a required drug test, or otherwise violate the
16 conditions of their parole;
- 17 (5) Impose sanctions on parolees who violate the
18 conditions of their parole; and
- 19 (6) Ensure that parolees in need of drug treatment, mental
20 health therapy, or other social services shall receive
21 the needed treatment.



1 Parolees shall be made aware of the sanctions that will be
2 imposed for violating the conditions of their parole. Sanctions
3 shall be imposed within a short period of time from the
4 occurrence of the violation. Sanctions shall include the
5 modification of the terms of parole to include short terms of
6 incarceration. The terms of incarceration may be increased if a
7 parolee continues to violate the conditions of parole.

8 SECTION 3. The department shall submit a preliminary
9 report to the legislature, not later than December 1, 2010, and
10 a final report not later than December 1, 2011, on:

- 11 (1) The progress of the pilot project;
- 12 (2) Cost analysis and an accounting of expenses;
- 13 (3) Relevant data on program participants;
- 14 (4) Program and management evaluations; and
- 15 (5) Any other pertinent information, recommendations, or
16 proposed legislation, if any, to determine whether the
17 program should be continued.

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

1 year 2010-2011 for the establishment of a two-year pilot parole
2 modification project.

3 The sums appropriated shall be expended by the Hawaii
4 paroling authority for the purposes of this Act.

5 SECTION 5. This Act shall take effect upon its approval;
6 provided that section 4 shall take effect on July 1, 2009.

7

INTRODUCED BY: Will Enyeo



Report Title:

Public Safety; Parole

Description:

Appropriates funds for the Hawaii paroling authority to establish a two-year pilot project, involving no more than thirty parolees, requiring weekly randomized drug testing and imposing swift intermediate sanctions for parole violations. Requires paroling authority to submit preliminary report by 12/1/10 and final report by 12/1/11.

