

JAN 26 2011

A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. The legislature finds that many correctional
2 jurisdictions in the United States use an incentive system that
3 rewards inmates for positive behavior. The earned time credit
4 system was first implemented in the eighteenth century to
5 relieve overcrowding, reward inmates who have no behavioral
6 infractions, and encourage participation in inmate
7 rehabilitation programs.

8 The purpose of this Act is to establish a system of earned
9 time that allows inmates in Hawaii or in contracted correctional
10 facilities on the mainland to earn credit toward their minimum
11 time of imprisonment.

12 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§353- Earned time program. (a) There is established
16 the earned time program to be administered by the department of
17 public safety. Under this program, a committed person shall be
18 eligible for parole before the expiration of the person's



1 minimum term, set by the Hawaii paroling authority, upon
2 demonstrating progress toward rehabilitation in each of the
3 following categories to the extent that the services listed in
4 the following categories are available at the committed person's
5 correctional facility:

6 (1) Work, vocational, or occupational training and skills,
7 including consideration of factors such as attendance,
8 promptness, performance, cooperation, care of
9 materials, and safety;

10 (2) Social adjustment, including skills such as group
11 living, housekeeping, personal hygiene, and
12 cooperation;

13 (3) Counseling sessions and self-help groups;

14 (4) Therapeutic and other similar departmental programs;
15 and

16 (5) Education or literacy programs.

17 (b) Only committed persons who are serving time for a non-
18 violent drug offense and who have successfully completed a
19 residential drug abuse program shall be eligible for the earned
20 time program.

21 (c) A committed person who:



1 (1) Demonstrates progress as required under subsection
2 (a);
3 (2) Meets eligibility requirements under subsection (b);
4 and
5 (3) Has been certified by the person's case manager
6 according to departmental procedure,
7 shall earn credits under the program. According to the
8 requirements of the earned time program, each month served shall
9 be equal to ten days for each month, and shall apply prorated
10 for any portion of a month served in accordance with program
11 requirements.

12 (d) The department shall review the performance of each
13 person committed to the custody of the director, including a
14 review of certified records of the person's performance in the
15 earned time program and, consistent with this section and
16 procedures and standards under subsection (e), may grant,
17 withhold, withdraw, or restore an earned time deduction from the
18 person's minimum term of imprisonment set by the Hawaii paroling
19 authority. The review shall be conducted annually while the
20 person is incarcerated and an earned time deduction shall vest
21 upon being granted. If the annual review changes the amount of
22 earned time vested for the person committed, the director shall



1 promptly notify the crime victim, if any, of the person's
2 adjusted minimum term completion date.

3 (e) The department shall develop, establish, and implement
4 the following standards and procedures for the earned time
5 program:

6 (1) Objective standards for measuring progress in each of
7 the categories in subsection (a);

8 (2) Procedures for evaluating, recording, and certifying
9 progress under the earned time program; and

10 (3) Procedures for awarding earned time deductions and
11 recording and applying days earned under the earned
12 time program.

13 (f) The following information about the earned time
14 program shall be made available in writing to all eligible
15 committed persons upon request, and shall be conspicuously
16 posted in an area of the correctional facility accessible for
17 review by committed persons:

18 (1) Departmental standards and procedures for the earned
19 time program; and

20 (2) Equivalencies between:

21 (A) Days served in accordance with earned time
22 program requirements and credits earned; and



1 (B) Credits earned and days earned.

2 (g) Notwithstanding any other law to the contrary, earned
3 time shall not reduce the minimum term of any committed person
4 by a period of time that is more than twenty-five per cent of
5 the person's minimum term."

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2011-2012 and
9 the same sum or so much thereof as may be necessary for fiscal
10 year 2012-2013 for the establishment and operation of the earned
11 time program.

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

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2011.

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Report Title:

Earned Time Program; Parole; Appropriation

Description:

Establishes an earned time program that provides incentives for inmate rehabilitation; allows only non-violent drug offenders to become eligible for parole when they make consistent progress in certain programs. Appropriates funds.

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

