
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. In June 2011, the governor, chief justice,
2 senate president, house speaker, and director of public safety
3 joined together to begin developing a data-driven justice
4 reinvestment strategy to bring out-of-state prisoners back to
5 Hawaii, reduce spending on corrections, and reinvest savings
6 generated in strategies that would reduce recidivism and crime
7 and increase public safety. To this end, they sought assistance
8 from the Bureau of Justice Assistance, a division of the United
9 States Department of Justice, and the Pew Center on the States.
10 The state leaders established a bipartisan, inter-branch justice
11 reinvestment working group comprising leading state and local
12 officials to receive intensive technical assistance from the
13 Council of State Governments Justice Center. The Council of
14 State Governments Justice Center assisted the working group in
15 analyzing data from every aspect of Hawaii's criminal justice
16 and corrections systems.



1 Overall, the analysis found that crime and victimization
2 rates have declined, as have arrests and felony convictions for
3 violent and property crime.

4 While crime rates have declined, the population under
5 probation supervision and incarcerated has not declined, and in
6 some cases has increased. From fiscal year 2000 to fiscal year
7 2011, the State's prison and jail population grew eighteen per
8 cent, from 5,118 inmates to 6,043 inmates. During the same
9 period, expenditures for the corrections division of the
10 department of public safety increased seventy per cent, from
11 \$112,000,000 in fiscal year 2000 to \$190,000,000 million in
12 fiscal year 2011. Approximately one-third of Hawaii's prison
13 population is housed in out-of-state facilities. The cost of
14 housing out-of-state offenders was \$45,000,000 in fiscal year
15 2011.

16 Analysis of the data from Hawaii's criminal justice and
17 corrections systems identified three areas for improvement:
18 pre-trial process, parole, and payment of restitution. The
19 intent of this Act is to address those areas to reduce costly
20 inefficiencies, hold offenders more accountable, and reinvest
21 savings in more effective public safety strategies. This Act
22 establishes a statutory structure to improve the criminal



1 justice system, relying on the department of public safety,
2 Hawaii paroling authority, and adult probation services to
3 effectively implement changes to policy and practice based on
4 the intent of this Act.

5 Fully implementing changes to address the target areas can
6 gradually reduce the current prison and jail population and
7 generate savings of approximately five hundred beds and
8 \$9,000,000 by the end of fiscal year 2013, eight hundred fifty
9 beds and \$19,000,000 in fiscal year 2014, and one thousand fifty
10 beds and \$26,000,000 in fiscal year 2015. These savings will
11 require initial and continued reinvestment in expanding and
12 strengthening victim services, notification, and restitution
13 collection; reentry and community-based treatment programs for
14 pre-trial, probation, and parole populations; pretrial and risk
15 assessments; probation and parole officers; and research and
16 planning staff in the department of public safety.

17 This Act will help the State's criminal justice system and
18 increase public safety by focusing on incarceration,
19 supervision, and treatment in a manner that most efficiently
20 addresses the recidivism rate, thereby increasing public safety.



1 PART I

2 SECTION 2. The pre-trial population has increased due to
3 longer lengths of stay. This part provides the court with a
4 more timely assessment of a person's risk of re-offending or
5 likelihood of not appearing for court. Section 353-10, Hawaii
6 Revised Statutes, is amended to require that an objective
7 assessment be conducted within the first three working days of a
8 person's commitment to a community correctional center to allow
9 the courts to more quickly determine who is appropriate for
10 release on their own recognizance, to supervision, or to bail.

11 SECTION 3. Section 353-10, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§353-10 Reentry intake service centers.** There shall be
14 within the department of public safety, a reentry intake service
15 center for adults in each of the counties[7] to screen,
16 evaluate, and classify the admission of persons to community
17 correctional centers and to provide for the successful reentry
18 of persons back into the community. Each center shall be
19 directed and managed by a manager and shall be staffed by a team
20 of psychiatrists, social workers, technicians, and other
21 personnel as may be necessary. The director of public safety
22 may appoint full-time or part-time professional and clerical



1 staff or contract for professional services to carry out the
2 duties of the centers as identified in this section.

3 The centers shall:

4 (1) Provide orientation, guidance, and technical services;

5 (2) Provide social-medical-psychiatric-psychological
6 diagnostic evaluation;

7 (3) Provide pretrial risk assessments on adult offenders
8 for the courts [~~and assist in the conduct of~~

9 ~~presentence assessments on adult offenders and the~~
10 ~~preparation of presentence reports when requested by~~

11 ~~the courts,]~~ within three working days of admission to

12 a community correctional center; provided that this

13 paragraph shall not apply to persons subject to local

14 or state detainers or holds, persons detained without

15 bail, persons detained for probation violation,

16 persons facing revocation of bail or supervised

17 release, and persons who have had a pretrial risk

18 assessment completed prior to admission to a community

19 correctional center. For purposes of this paragraph,

20 "pretrial risk assessment" means an objective,

21 research-based, validated assessment tool that

22 measures a defendant's risk of flight and risk of



- 1 anticipated criminal conduct while on pretrial release
2 pending adjudication;
- 3 (4) Assist in the conduct of presentence assessments on
4 adult offenders and the preparation of presentence
5 reports when requested by the courts;
- 6 ~~(4)~~ (5) Provide correctional prescription program
7 planning and security classification;
- 8 ~~(5)~~ (6) Provide [such] other personal and correctional
9 services as needed for both detained and committed
10 persons;
- 11 ~~(6)~~ (7) Monitor and record the progress of persons
12 assigned to correctional facilities who undergo
13 further treatment or who participate in prescribed
14 correctional programs;
- 15 ~~(7)~~ (8) Ensure that the present and future reentry needs
16 of persons committed to correctional facilities are
17 being evaluated and met in an effective and
18 appropriate manner;
- 19 ~~(8)~~ (9) Provide additional reentry services to include
20 working closely and collaborating with the furlough
21 programs in each county that are currently managed by
22 the department's institutions division;



1 public to be appointed by the governor, and the president of the
2 Hawaii chapter of the National Association of Social Workers.
3 The panel shall submit to the governor the names of not less
4 than three persons, designated as the nominees, for chairperson
5 or as a member, for each vacancy. The requirement for
6 nomination by the panel established under this section shall
7 only apply to a nominee's nomination by the governor to an
8 initial term on the paroling authority and not to any subsequent
9 consecutive term of a sitting paroling authority member or
10 chairperson whose initial appointment to office was made
11 pursuant to a nomination by the panel. The governor shall
12 appoint, in [+]the[+] manner prescribed by section 26-34, a
13 paroling authority to be known as the Hawaii paroling authority,
14 to consist of [~~three~~] five members, one of whom shall be
15 designated chairperson. Appointments shall be made for terms of
16 four years, commencing from the date of expiration of the last
17 preceding term. Any vacancy in an unexpired term shall be
18 filled by appointment for the [+]remainder[+] of the unexpired
19 term. Nominees to the authority shall be selected on the basis
20 of their qualifications to make decisions that will be
21 compatible with the welfare of the community and of individual
22 offenders, including their background and ability for appraisal



1 of offenders and the circumstances under which offenses were
2 committed."

3 SECTION 6. Section 353-63, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§353-63 Service of Hawaii paroling authority members;**
6 **compensation; expenses.** The chairperson of the Hawaii paroling
7 authority shall serve on a full-time basis. The other [~~two~~]
8 four members shall serve on a part-time basis. Effective July
9 1, 2005, the chairperson of the Hawaii paroling authority shall
10 be paid a salary set at eighty-seven per cent of the salary of
11 the director of public safety. The compensation of each of the
12 part-time members shall be eighty per cent of the hourly wage
13 paid the chairperson. For each hour engaged in the official
14 duties of the authority, each part-time member of the authority
15 shall be paid an hourly wage at the percentage rate specified in
16 this section based on the hourly wage paid the chairperson;
17 provided that compensation shall not exceed eighty per cent of
18 the total regular working hours in a month; provided further
19 that part-time members shall not be entitled to any vacation,
20 sick leave, or other benefits except as provided in this
21 section. All paroling authority members shall receive their
22 necessary expenses for travel and incidentals which shall be



1 paid from appropriations provided the authority for such
2 purposes, on vouchers approved by the director of public
3 safety."

4 SECTION 7. Section 706-670, Hawaii Revised Statutes, is
5 amended by amending subsection (1) to read as follows:

6 "(1) Parole hearing. A person sentenced to an
7 indeterminate term of imprisonment shall receive an initial
8 parole hearing at least one month before the expiration of the
9 minimum term of imprisonment determined by the Hawaii paroling
10 authority pursuant to section 706-669. If the person has been
11 sentenced to multiple terms of imprisonment, the parole hearing
12 shall not be required until at least one month before the
13 expiration of the minimum term which expires last in time. A
14 validated risk assessment shall be used to determine the
15 person's risk of re-offense and suitability for community
16 supervision.

17 For purposes of this section, "validated risk assessment"
18 means an actuarial tool scientifically proven to determine a
19 person's likelihood of committing future criminal behavior. The
20 department of public safety shall select a research based risk
21 assessment tool and shall validate the accuracy of the risk
22 assessment tool at least every three years. A person who is



1 assessed as low risk for re-offending shall be granted parole
2 upon completing the minimum sentence, unless the person:

3 (a) Is found to have committed misconduct while in prison
4 that is equivalent to a misdemeanor or felony crime
5 within two years of the expiration of the minimum term
6 of imprisonment;

7 (b) Has any pending felony charges in the State of Hawaii;

8 (c) Is incarcerated for a sexual offense as defined in
9 part V or child abuse as defined in part VI, chapter
10 707, and has not successfully completed a sex offender
11 treatment program; or

12 (d) Is determined by the parole board to currently
13 constitute a significant risk to the safety or
14 property of other persons that can only be mitigated
15 by additional incapacitation.

16 If parole is not granted at [~~that time,~~] the initial parole
17 hearing, additional hearings shall be held at twelve-month
18 intervals or less until parole is granted or the maximum period
19 of imprisonment expires. The State shall have the right to be
20 represented at the initial parole hearing and all subsequent
21 parole hearings by the prosecuting attorney, who may present
22 written testimony and make oral comments[~~, and the~~]. The



1 authority shall consider the testimony and comments in reaching
2 its decision. The authority shall notify the appropriate
3 prosecuting attorney of the hearing at the time the prisoner is
4 given notice of the hearing."

5 SECTION 8. Section 353-66, Hawaii Revised Statutes, is
6 amended by amending subsection (e) to read as follows:

7 "(e) Any paroled prisoner retaken and reimprisoned as
8 provided in this chapter shall be confined according to the
9 paroled prisoner's sentence for that portion of the paroled
10 prisoner's term remaining unserved at time of parole, but
11 successive paroles may, in the discretion of the paroling
12 authority, be granted to the prisoner during the life and in
13 respect of the sentence. If the paroled prisoner is retaken and
14 reimprisoned for violating a condition of parole but has not:

- 15 (1) Been charged with a new felony offense;
- 16 (2) Absconded or left the state without permission from
17 the paroling authority;
- 18 (3) Violated conditions applicable to sex offenders such
19 as registering as a sex offender or conditions related
20 to proximity to specified locations or persons; or
- 21 (4) Been previously reimprisoned for violating the
22 conditions of parole on the current offense,



1 the paroled prisoner shall be confined for no more than six
2 months or for that portion of the paroled prisoner's term
3 remaining unserved at time of parole, whichever is shorter. The
4 six month period of confinement shall not start until the
5 paroling authority has revoked the parole of the prisoner. The
6 prisoner shall be given credit for time served in custody
7 pending a hearing on revocation of parole."

8 PART III

9 SECTION 9. This part ensures accountability for victims
10 and offenders by improving how restitution is collected by the
11 department of public safety and ensuring that all felony
12 offenders are supervised for at least some minimum period of
13 time after their release from incarceration.

14 SECTION 10. Section 353-22.6, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§353-22.6 Victim restitution.** The director of public
17 safety shall enforce victim restitution orders against all
18 moneys earned, deposited or credited to an inmate's individual
19 account by the prisoner while incarcerated. The amount deducted
20 [~~and paid once annually to the victim~~] shall be [~~ten~~] twenty-
21 five per cent of the [~~prisoner's annual earnings~~] total of all
22 moneys earned, new deposits, and credits to the inmate's



1 individual account. The moneys shall be deducted monthly and
2 paid to the victim once the amount reaches \$25, or annually,
3 whichever is sooner. This section shall not apply to moneys
4 earned on work furlough pursuant to section 353-17."

5 SECTION 11. Section 353-69, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§353-69 Parole when.** [~~No~~] Except as provided in section
8 706-670, no parole shall be granted unless it appears to the
9 Hawaii paroling authority that there is a reasonable probability
10 that the prisoner concerned will live and remain at liberty
11 without violating the law and that the prisoner's release is not
12 incompatible with the welfare and safety of society."

13 SECTION 12. Section 706-670, Hawaii Revised Statutes, is
14 amended by amending subsection (5) to read as follows:

15 "(5) [~~Release upon expiration of maximum term. If the~~
16 ~~authority fixes no earlier release date, a prisoner's release~~
17 ~~shall become mandatory at the expiration of the prisoner's~~
18 ~~maximum term of imprisonment.] Supervised parole release prior
19 to the expiration of the maximum term. Notwithstanding section
20 706-605 (1)(c), if the authority fixes no earlier release date
21 or has not released a prisoner upon completion of a set minimum~~



1 term, a prisoner shall be released to parole based on the
2 longest term of imprisonment as follows:

- 3 (a) For a class A felony - eighteen months prior to the
4 expiration of the maximum term;
- 5 (b) For a class B felony - twelve months prior to the
6 expiration of the maximum term; and
- 7 (c) For a class C felony - six months prior to the
8 expiration of the maximum term.

9 No prisoner shall be incarcerated beyond the expiration of the
10 prisoner's maximum term of imprisonment."

11 PART IV

12 SECTION 13. Savings realized by reducing the incarcerated
13 population shall be reinvested within the criminal justice
14 system to protect public safety through the proper supervision
15 of offenders in the community, adequate community-based programs
16 and services to reduce the incidence of recidivism, victim
17 services to promote restorative justice, and professional
18 support to realize the goals of the justice reinvestment
19 initiative.

20 Funds saved through reducing the incarcerated population
21 shall be reinvested in staffing programs to achieve the goals of



1 the justice reinvestment initiative based on the following
2 guidelines:

- 3 (1) A ratio of one human services professional (intake
4 worker) per one hundred pre-trial offender risk
5 assessments, bail reports, and facility intakes per
6 month;
- 7 (2) A ratio of one human services professional (facility
8 case manager) per one hundred risk assessments of
9 incarcerated sentenced felons per month;
- 10 (3) A ratio of one human services professional (parole
11 officer) per caseload of fifty supervised parolees;
- 12 (4) A ratio of one human services professional (probation
13 officer) per twenty-five probationers participating in
14 outpatient treatment for substance abuse;
- 15 (5) A ratio of one crime victim compensation restitution
16 specialist per eight hundred victim restitution cases
17 per year;
- 18 (6) A ratio of one victim assistance/witness counselor per
19 one hundred fifty victims per year for the city and
20 county of Honolulu;



1 (7) A ratio of one victim assistance/witness counselor per
2 one hundred fifty victims per year for the county of
3 Maui;

4 (8) A ratio of one victim assistance/witness counselor per
5 one hundred fifty victims per year for the county of
6 Hawaii;

7 (9) A ratio of one corrections program specialist per
8 three hundred sentenced felons released to community
9 supervision per year to provide victim notification
10 and safety planning services; and

11 (10) Two additional part-time parole board members to
12 increase the number of parole hearings scheduled per
13 year.

14 SECTION 14. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2012-2013, for the
17 following purposes:

18 (1) \$ for six full-time equivalent (6.00 FTE)
19 permanent human services professional IV positions in
20 pre-trial assessments/intake service center (PSD410);



- 1 (2) \$ for one full-time equivalent (1.00 FTE)
2 permanent planner VI position in research and
3 planning/general administration (PSD900);
- 4 (3) \$ for two full-time equivalent (2.00 FTE)
5 permanent planner V positions in research and
6 planning/general administration (PSD900);
- 7 (4) \$ for one full-time equivalent (1.00 FTE)
8 permanent research statistician V position in research
9 and planning/general administration (PSD900);
- 10 (5) \$ for one full-time equivalent (1.00 FTE)
11 permanent program specialist II position in research
12 and planning/general administration (PSD900);
- 13 (6) \$ for two full-time equivalent (2.00 FTE)
14 permanent office assistant positions in research and
15 planning/general administration (PSD900);
- 16 (7) \$ for one full-time equivalent (1.00 FTE)
17 permanent CIP coordinator position in research and
18 planning/general administration (PSD900);
- 19 (8) \$ for one full-time equivalent (1.00 FTE)
20 permanent program manager position in reentry office,
21 program training, and oversight (PSD900);



- 1 (9) \$ for four full-time equivalent (4.00 FTE)
2 permanent program specialist positions in reentry
3 office, program training, and oversight (PSD900);
- 4 (10) \$ for two full-time equivalent (2.00 FTE)
5 permanent office assistant positions in reentry
6 office, program training, and oversight (PSD900);
- 7 (11) \$ for one full-time equivalent (1.00 FTE)
8 permanent corrections supervisor I position in risk
9 assessment (PSD900);
- 10 (12) \$ for five full-time equivalent (5.00 FTE)
11 permanent human services professional IV positions in
12 risk assessment (PSD900);
- 13 (13) \$ for two full-time equivalent (2.00 FTE)
14 permanent office assistant III positions in risk
15 assessment (PSD900);
- 16 (14) \$ for two part-time parole board member
17 positions (PSD611);
- 18 (15) \$ for one full-time equivalent (1.00 FTE)
19 permanent parole officer VI position (PSD612);
- 20 (16) \$ for one full-time equivalent (1.00 FTE)
21 permanent parole officer V position (PSD612);



- 1 (17) \$ for five full-time equivalent (5.00 FTE)
2 permanent parole officer IV positions (PSD612);
- 3 (18) \$ for one full-time equivalent (1.00 FTE)
4 permanent parole officer III position (PSD612);
- 5 (19) \$ for one full-time equivalent (1.00 FTE)
6 permanent parole officer II position (PSD612);
- 7 (20) \$ for one full-time equivalent (1.00 FTE)
8 permanent secretary I position (PSD612);
- 9 (21) \$ for one full-time equivalent (1.00 FTE)
10 permanent office assistant position (PSD612);
- 11 (22) \$ for four full-time equivalent (4.00 FTE)
12 permanent social worker IV positions to provide in-
13 house programming in judiciary probation drug
14 treatment/CBT staff and training;
- 15 (23) \$ for two full-time equivalent (2.00 FTE)
16 permanent trainers to train in-house program staff and
17 probation staff in judiciary probation drug
18 treatment/CBT staff and training;
- 19 (24) \$ for one full-time equivalent (1.00 FTE)
20 permanent project coordinator position in crime victim
21 compensation commission (PSD613);



- 1 (25) \$ for one full-time equivalent (1.00 FTE)
- 2 permanent recovery coordinator position in crime
- 3 victim compensation commission (PSD613);
- 4 (26) \$ for three full-time equivalent (3.00 FTE)
- 5 permanent restitution specialist positions in crime
- 6 victim compensation commission (PSD613);
- 7 (27) \$ for one full-time equivalent (1.00 FTE)
- 8 permanent program supervisor position in victim
- 9 notification/services/safety planning (PSD900);
- 10 (28) \$ for three full-time equivalent (3.00 FTE)
- 11 permanent program specialist positions in victim
- 12 notification/services/safety planning (PSD900);
- 13 (29) \$ for one full-time equivalent (1.00 FTE)
- 14 permanent victim assistance counselor I (Kona)
- 15 position in Hawaii victim assistance;
- 16 (30) \$ for one full-time equivalent (1.00 FTE)
- 17 permanent victim assistance counselor I (Hilo)
- 18 position in Hawaii victim assistance;
- 19 (31) \$ for one full-time equivalent (1.00 FTE)
- 20 permanent legal clerk I (Hilo) position in Hawaii
- 21 victim assistance;



1 (32) \$ for one full-time equivalent (1.00 FTE)
2 permanent legal clerk I (Kona) position in Hawaii
3 victim assistance;

4 (33) \$ for one full-time equivalent (1.00 FTE)
5 permanent victim assistance (Hilo) position in Hawaii
6 victim assistance;

7 (34) \$ for one full-time equivalent (1.00 FTE)
8 permanent victim assistance (Kona) position in Hawaii
9 victim assistance;

10 (35) \$ for two full-time equivalent (2.00 FTE)
11 permanent victim witness counselor I positions in Maui
12 victim assistance;

13 (36) \$ for four full-time equivalent (4.00 FTE)
14 permanent victim witness counselor II positions in
15 Oahu victim assistance; and

16 (37) \$ for two full-time equivalent (2.00 FTE)
17 permanent legal clerk positions in Oahu victim
18 assistance;

19 provided that for new positions authorized, funds shall be
20 provided in the first year for necessary equipment and annual
21 operating expenses shall be increased for supplies; provided
22 further that funds shall be provided for seven positions,



1 necessary equipment, and annual operating expenses for the
2 establishment of the reentry office within the department of
3 public safety; provided further that funds shall be provided for
4 seven positions, necessary equipment, and annual operating
5 expenses for the establishment of the planning and research
6 office within the department of public safety; and provided
7 further that purchase of services funds shall be provided for
8 community-based programs for pretrial offenders and parolees.

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

11 SECTION 15. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 16. This Act shall take effect on July 1, 2050.



Report Title:

Relating to Public Safety; Appropriation

Description:

Requires a pre-trial risk assessment within three working days of commitment to a community correctional center. Expands parole board and requires use of validated risk assessments. Increases membership of Hawaii Paroling Authority. Limits length of incarceration for first-time parole violators. Increases victim restitution payments. Requires parole supervision prior to maximum sentence date. Adds positions statewide in the Department of Public Safety. Appropriates funds. Effective July 1, 2050. (HB2514 HD1)

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

