

**S .B. NO. 1307**

JAN 26 2011

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**A BILL FOR AN ACT**

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that the composition of a  
2 panel that nominates the members of the paroling authority  
3 should be updated. One of the panel delegates, Hawaii Criminal  
4 Justice Association, is no longer in existence.

5           The purpose of this Act is to update the composition of the  
6 panel that nominates the members of the paroling authority.

7           SECTION 2. Section 353-61, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§353-61 Hawaii paroling authority; appointment; tenure;**  
10 **qualifications.** Members of the paroling authority shall be  
11 nominated by a panel composed of the chief justice of the Hawaii  
12 supreme court, the director, [~~the president of the Hawaii~~  
13 ~~Criminal Justice Association~~] the president of the bar  
14 association of Hawaii, a representative designated by the head  
15 of the Interfaith Alliance Hawaii, a member from the general  
16 public to be appointed by the governor, and the president of the  
17 Hawaii chapter of the National Association of Social Workers.

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

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1 SECTION 3. The department of public safety shall not  
2 receive any additional funding in the department's operating  
3 budget to carry out the purpose of this Act.

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

6 SECTION 5. This Act shall take effect upon approval.

7

8

INTRODUCED BY: 

9

BY REQUEST

**Report Title:**

Relating to Public Safety.

**Description:**

This measure amends section 353-61, Hawaii Revised Statutes, to delete the Hawaii Criminal Justice Association from the panel to nominate members of the paroling authority since the association no longer exists.

JUSTIFICATION SHEET

DEPARTMENT: PUBLIC SAFETY

TITLE: RELATING TO PUBLIC SAFETY

PURPOSE: This bill amends the membership of the Hawaii Paroling nominating panel to delete a panel member who is a delegate from an organization that no longer exists.

MEANS: Amend section 353-61, Hawaii Revised Statutes.

JUSTIFICATION: The existing statute specifies the members of a panel to nominate the members of the paroling authority. The president of the Hawaii Criminal Justice Association is one of the named members on this panel. However, the Hawaii Criminal Justice Association has not been a functional organization for over seven years, and there is no membership or president at this time. Therefore, the position of president of this organization should not be named to the panel to nominate members to the paroling authority.

Impact on the public: This initiative will provide for the better operation and selection of members of the paroling authority.

Impact on the department and other agencies: This measure clarifies the panel to nominate members to the paroling authority, and therefore will provide for the better operation of the agency and government as a whole.

GENERAL FUND: N/A

OTHER FUNDS: N/A

PPBS PROGRAM  
DESIGNATION:

N/A

OTHER AFFECTED  
AGENCIES:

Paroling Authority, Office of the Attorney  
General, and Judiciary.

EFFECTIVE DATE:

Upon approval.