

JAN 20 2012

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Nearly 4,900,000 offenders were on probation or
2 parole in the United States at the end of 2010, compared to
3 nearly 2,300,000 prisoners in correctional facilities across the
4 country. Probationers often fail to appear for scheduled
5 appointments with their probation officers, decline to take
6 mandatory drug tests, or test positive for illegal drug use.
7 Studies show that as many as half of all probationers break the
8 law again.

9 In 2004, the circuit court of the first circuit in this
10 State launched a probation modification project, known as
11 Hawaii's opportunity probation with enforcement program. Under
12 conventional probation systems, violations by probationers, such
13 as failing to appear for scheduled appointments with their
14 probation officers, typically go unpunished for months or years
15 until the violations accumulate to the point that the
16 probationer faces severe consequences, including revocation of
17 probation and being sentenced to a long prison term. Under the
18 Hawaii's opportunity probation with enforcement program,



1 however, sanctions are imposed for each probation violation, and
2 although the sanctions may be relatively minor, often only a few
3 days in jail, they are imposed immediately after each violation,
4 rather than months or years after a violation.

5 In a one-year, randomized controlled trial comparing
6 Hawaii's opportunity probation with enforcement program
7 probationers to probationers in a control group, Hawaii's
8 opportunity probation with enforcement program probationers were
9 fifty-five per cent less likely to be arrested for a new crime,
10 seventy-two per cent less likely to use drugs, sixty-one per
11 cent less likely to miss appointments with their supervisory
12 officer, and fifty-three per cent less likely to have their
13 probation revoked. Even more remarkable is the fact that
14 probationers involved in Hawaii's opportunity probation with
15 enforcement program were sentenced to, on average, forty-eight
16 per cent fewer days of incarceration than probationers in the
17 control group.

18 The purpose of this Act is to establish a pilot program for
19 parolees similar to the Hawaii's opportunity probation with
20 enforcement program.

21 SECTION 2. (a) By not later than July 1, 2013, the
22 department of public safety shall establish and administer a



1 two-year pilot program for high-intensity parole supervision
2 called Hawaii's opportunity parole with enforcement pilot
3 program. The Hawaii's opportunity parole with enforcement pilot
4 program shall involve not more than twenty inmates chosen by the
5 Hawaii paroling authority.

6 (b) The Hawaii's opportunity parole with enforcement pilot
7 program shall:

8 (1) Provide formal warning to a parolee, in a hearing
9 before the Hawaii paroling authority, of the sanctions
10 that shall be imposed for violating the conditions of
11 parole;

12 (2) Require the parolee to submit to random drug testing;

13 (3) Order the arrest of any parolee who tests positive for
14 illegal drug use;

15 (4) Order the arrest of any parolee who fails to appear
16 for a scheduled appointment with a parole officer,
17 fails to appear for a required drug test, or otherwise
18 violates the conditions of parole;

19 (5) Impose sanctions within a short period of time from
20 the occurrence of a violation. Sanctions shall
21 include the modification of the terms of parole and
22 short terms of incarceration, which may be increased



1 if a parolee continues to violate the conditions of
2 parole; and

3 (6) Ensure that any parolee in need of drug treatment,
4 mental health therapy, or other social services
5 receives the needed treatment.

6 (c) The Hawaii paroling authority shall submit a
7 preliminary report to the legislature, not later than December
8 1, 2014, and a final report not later than December 1, 2015,
9 that shall include:

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

17 (d) The attorney general and the Hawaii's opportunity
18 probation with enforcement probation program of the judiciary
19 shall assist the department of public safety to gather
20 information on cost analysis and an accounting of expenses and
21 relevant data on program participants for purposes of the
22 preliminary and final reports to the legislature.



1 (e) The department of public safety may adopt rules
2 pursuant to chapter 91, Hawaii Revised Statutes, to effectuate
3 this Act.

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of or so much
6 thereof as may be necessary for fiscal year 2012-2013 for the
7 Hawaii's opportunity parole with enforcement pilot program.

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

10 SECTION 4. This Act shall take effect upon its approval
11 and shall be repealed on June 30, 2016.

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S.B. NO. 2253

Report Title:

Corrections; Parole Pilot Project; Appropriation

Description:

Establishes a two-year parole pilot program for no more than twenty inmates to be subject to high-intensity parole supervision. Makes an appropriation for the program.

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