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# A BILL FOR AN ACT

RELATING TO THE HAWAII PAROLING AUTHORITY.

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

1           SECTION 1. The legislature finds that the Hawaii paroling  
2 authority plays a vital role in the State's criminal justice  
3 system. It determines minimum terms of incarceration for almost  
4 all inmates sentenced to prison; grants parole when it  
5 determines that an inmate is ready for release into the  
6 community; establishes terms and conditions of parole for each  
7 offender granted parole; oversees parole officers who monitor  
8 and supervise parolees; grants discharges from parole; and makes  
9 recommendations for pardons and commutations of sentences.

10           The authority was reconstituted in 1976 by Act 92, Session  
11 Laws of Hawaii 1976, with one full-time chair and two part-time  
12 members. In the past thirty-six years, its workload has  
13 increased eight-fold due to the rise in incarceration rates.  
14 However, the authority continues to be composed of one full-time  
15 and two part-time members. Because it is essentially a part-  
16 time body, the authority finds proper deliberation very  
17 difficult when reviewing cases and making decisions that are  
18 vital to public safety. Further, the authority is experiencing



1 severe difficulties in carrying out its responsibility in  
2 assuring that the terms and conditions of parole are properly  
3 enforced with its existing staff.

4 The purpose of this Act is to add two more part-time  
5 members of the Hawaii paroling authority and authorize the  
6 governor to set the salary of the chair of the paroling  
7 authority.

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

10 **"§353-61 Hawaii paroling authority; appointment; tenure;**  
11 **qualifications.** Members of the paroling authority shall be  
12 nominated by a panel composed of the chief justice of the Hawaii  
13 supreme court, the director, 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.  
18 The panel shall submit to the governor the names of not less  
19 than three persons, designated as the nominees, for chairperson  
20 or as a member, for each vacancy. The requirement for  
21 nomination by the panel established under this section shall  
22 only apply to a nominee's nomination by the governor to an



1 initial term on the paroling authority and not to any subsequent  
2 consecutive term of a sitting paroling authority member or  
3 chairperson whose initial appointment to office was made  
4 pursuant to a nomination by the panel.

5 The governor shall appoint, in the manner prescribed by  
6 section 26-34, a paroling authority to be known as the Hawaii  
7 paroling authority, to consist of [~~three~~] five members one of  
8 whom shall be designated chairperson. Appointments shall be  
9 made for terms of four years, commencing from the date of  
10 expiration of the last preceding term. Any vacancy in an  
11 unexpired term shall be filled by appointment for the remainder  
12 of the unexpired term. Nominees to the authority shall be  
13 selected on the basis of their qualifications to make decisions  
14 that will be compatible with the welfare of the community and of  
15 individual offenders, including their background and ability for  
16 appraisal of offenders and the circumstances under which  
17 offenses were committed."

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

20 "**§353-63 Service of Hawaii paroling authority members;**  
21 **compensation; expenses.** The chairperson of the Hawaii paroling  
22 authority shall serve on a full-time basis. The other [~~two~~]



1 four members shall serve on a part-time basis. Effective July  
2 1, [~~2005,~~] 2012, the chairperson of the Hawaii paroling  
3 authority shall be paid a salary [~~set at eighty seven per cent~~  
4 ~~of the salary of the director of public safety.~~] that is  
5 established by the governor. The compensation of each of the  
6 part-time members shall be eighty per cent of the hourly wage  
7 paid the chairperson. For each hour engaged in the official  
8 duties of the authority, each part-time member of the authority  
9 shall be paid an hourly wage at the percentage rate specified in  
10 this section based on the hourly wage paid the chairperson;  
11 provided that compensation shall not exceed eighty per cent of  
12 the total regular working hours in a month; provided further  
13 that part-time members shall not be entitled to any vacation,  
14 sick leave, or other benefits except as provided in this  
15 section. All paroling authority members shall receive their  
16 necessary expenses for travel and incidentals which shall be  
17 paid from appropriations provided the authority for such  
18 purposes, on vouchers approved by the director of public  
19 safety."

20 SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so  
22 much thereof as may be necessary for fiscal year 2012-2013 to



1 carry out the purposes of this Act, including the purchase of  
2 office equipment and other expenses related to the new part-time  
3 paroling authority members.

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

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

8 SECTION 6. This Act shall take effect on July 1, 2012.

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**Report Title:**

Hawaii Paroling Authority; Appropriation

**Description:**

Adds two part-time members of the Hawaii paroling authority for a total of four part-time members. Requires the governor to establish the salaries of the chair of the Hawaii paroling authority. Appropriates funds for the increase in salary and additional equipment needs. (SD1)

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

