

S.B. NO. 2864

JAN 25 2012

A BILL FOR AN ACT

RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE.

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

1 SECTION 1. Section 706-671, Hawaii Revised Statutes, is
2 amended by adding a new subsection to read as follows:

3 "**§706-671 Credit for time of detention prior to sentence;**
4 **credit for imprisonment under earlier sentence for same crime.**

5 (1) When a defendant who is sentenced to imprisonment has
6 previously been detained in any State or local correctional or
7 other institution following the defendant's arrest for the crime
8 for which sentence is imposed, such period of detention
9 following the defendant's arrest shall be deducted from the
10 minimum and maximum terms of such sentence. The officer having
11 custody of the defendant shall furnish a certificate to the
12 court at the time of sentence, showing the length of such
13 detention of the defendant prior to sentence in any State or
14 local correctional or other institution, and the certificate
15 shall be annexed to the official records of the defendant's
16 commitment.

17 (2) When a judgment of conviction or a sentence is vacated
18 and a new sentence is thereafter imposed upon the defendant for

S.B. NO. 2864

1 the same crime, the period of detention and imprisonment
2 theretofore served shall be deducted from the minimum and
3 maximum terms of the new sentence. The officer having custody
4 of the defendant shall furnish a certificate to the court at the
5 time of sentence, showing the period of imprisonment served
6 under the original sentence, and the certificate shall be
7 annexed to the official records of the defendant's new
8 commitment.

9 (3) Notwithstanding any other law to the contrary, when a
10 defendant is convicted for a crime committed while serving a
11 sentence of imprisonment on a separate unrelated felony offense,
12 defendant shall receive no credit for time served on the
13 subsequent crime for any period being served on the original
14 term of imprisonment."

15 SECTION 2. This Act shall not apply to crimes committed
16 prior to the effective date of this Act.

17 SECTION 3. New statutory material is underscored.

18 SECTIOM 4. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: _____



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BY REQUEST

S.B. NO. 2864

Report Title:

Penal Code; Sentencing; Credit for Time of Detention Prior to Sentence.

Description:

Clarifies circumstances under which defendants may earn pretrial credit for time of detention when already serving a sentence for an unrelated offense.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE.

PURPOSE: The purpose of this bill is to amend section 706-671, Hawaii Revised Statutes, to clarify circumstances under which a defendant may earn credit for time of detention when convicted for a crime committed while serving a sentence of imprisonment for a separate unrelated felony offense.

MEANS: Amend section 706-671, Hawaii Revised Statutes.

JUSTIFICATION: Section 706-671, entitled Credit for Time of Detention Prior to Sentence; Credit for Imprisonment Under Earlier Sentence for Same Crime, has not been uniformly applied across agencies. This bill will create uniformity in application and will deter imprisoned offenders from incurring new offenses while serving a sentence of incarceration for a separate unrelated felony offense.

This bill will clarify when credit for time served will not be earned by a defendant serving a sentence of imprisonment on a separate unrelated felony offense.

Impact on the public: To the extent that defendants and inmates are considered part of the public that would be affected.

Impact on the department and other agencies: This proposed amendment will assist the Department of Public Safety, the Judiciary, the Office of the Public Defender, and the County Prosecuting Attorney Department with applying section 706-671.

GENERAL FUND: None.

OTHER FUNDS: None.

Page 2

PPBS PROGRAM
DESIGNATION:

PSD 900.

OTHER AFFECTED
AGENCIES:

The Judiciary, Office of the
Public Defenders, County
Prosecuting Attorney Department,
the Department of the Attorney
General and the Hawaii Paroling
Authority.

EFFECTIVE DATE:

July 1, 2012.