

STAND. COM. REP. NO.

2495

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2248
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 2248, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Hawaii Paroling Authority to establish a compassionate release program for inmates who are terminally ill or have a serious debilitating and irreversible mental or physical condition and meet other requirements.

Your Committee received testimony in support of this measure from the Department of Public Safety, Hawaii Paroling Authority, Community Alliance on Prisons, and seven individuals. Comments were received from the Office of Hawaiian Affairs.

Your Committee finds that correctional facilities across the United States are becoming home to a growing number of elderly adults who often have extensive and costly medical needs that are driving up the cost of incarceration. Concern over how society should deal with the aging and seriously ill prison population has led policymakers in many states to adopt early release, more commonly referred to as compassionate release, for older and seriously ill prisoners who pose a low risk to public safety. As of 2009, thirty-nine states had laws governing compassionate release.



Testimony indicated that there are inmates at Halawa Correctional Facility who are suffering serious debilitating illnesses requiring dialysis and chemotherapy. One inmate who has been diagnosed with cancer is reportedly confined to the Saguaro Correctional Facility. Many inmates are elderly and suffer from chronic diseases that normally occur with aging. Some are disabled in wheelchairs, bedridden, and unable to care for themselves. They need medications, insulin injections, chemotherapy, and other forms of life-sustaining medical measures.

Your Committee believes that this measure is pono, which in Hawaiian means good, upright, and just. More commonly, pono is used to describe an action that is the right thing to do. Your Committee believes that the State has an ethical obligation to do what is pono--provide appropriate medical care of persons confined to correctional facilities.

Your Committee has amended this measure by deleting its contents and inserting substantially similar provisions that create a medical release program for certain ill, disabled, and geriatric inmates who pose a low risk to public safety. The medical release program under this amended measure allows physicians and other medical professionals to use their unique expertise and knowledge of prognosis, geriatrics, cognitive and functional decline, and palliative medicine to determine whether an inmate meets the criteria for medical release. Using this medical foundation, the Hawaii Paroling Authority can balance the need for punishment with an eligible individual's appropriateness for release.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2248, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2248, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



