

Honolulu, Hawaii

March 16, 2012

RE: S.B. No. 2776
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety & Military Affairs, to which was referred S.B. No. 2776, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to implement the recommendations of the Justice Reinvestment Working Group regarding three areas of improvement to Hawaii's criminal justice and corrections system—pretrial process, parole, and payment of restitution—by focusing on incarceration, supervision, and treatment as follows:

- (1) Requiring that an objective assessment be conducted within the first three working days of a person's commitment to a community correctional center;
- (2) Increasing the number of Hawaii Paroling Authority members;
- (3) Requiring the Hawaii Paroling Authority to use a validated risk assessment to determine the person's risk of re-offense and suitability for community supervision;
- (4) Reducing recidivism by using effective responses to parole condition violations;



- (5) Improving the collection of restitution by the Department of Public Safety;
- (6) Ensuring all felony offenders are supervised for a minimum period of time after their release from incarceration;
- (7) Requiring that savings realized by reducing the incarcerated population be reinvested within the criminal justice system; and
- (8) Appropriating funds for Department of Public Safety positions in the state and counties to improve the State's criminal justice system and to increase public safety.

The Governor, Department of Public Safety, Hawaii Paroling Authority, Office of the Public Defender, Hawaii State Commission on the Status of Women, Chaminade University of Honolulu, Community Alliance on Prisons, Hawaii Substance Abuse Coalition, Drug Policy Forum of Hawaii, Office of Hawaiian Affairs, and several individuals testified in support of this measure. Da Kine Bail Bonds and an individual testified in opposition to this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu, Crime Victim Compensation Commission, American Civil Liberties Union of Hawaii, and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO commented on this measure.

Your Committee requests that the Committee on Judiciary consider the severity of offense committed by the individual in considering the level of risk of the offender with respect to the risk assessment process.

Upon consideration, your Committee has amended this measure by deleting its contents and inserting substantially similar provisions contained in H.B. No. 2514, H.D. 3, which enhances public safety by addressing needed improvements to Hawaii's criminal justice and corrections system in the areas of pretrial process, parole, and payment of restitution. Your Committee made further amendments by:

- (1) Clarifying that the objective assessment will enable the courts to more quickly exercise discretion in determining whether to release a pre-trial offender;

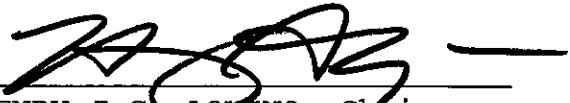


- (2) Specifying that if a paroled prison is retaken and reimprisoned for violating a condition of parole but has not been charged with a new misdemeanor offense under Chapter 707, Hawaii Revised Statutes, or Section 709-906, Hawaii Revised Statutes, the paroled prisoner shall be confined for a specified period of time;
- (3) Deleting the condition of scientifically proven from actuarial tool under the definition of "validated risk assessment";
- (4) Extending the period of time in which the research-based risk assessment tool must be validated for accuracy;
- (5) Requiring that assessments be performed by Department of Public Safety staff who are trained in the use of the risk assessment tool;
- (6) Specifying that except for good cause shown to the Hawaii Paroling Authority, a person who is assessed as low risk for re-offending shall be granted parole upon completing the minimum sentence, subject to certain conditions;
- (7) Requiring that Hawaii Paroling Authority must release a prisoner on parole based on the longest term of imprisonment, provided that Hawaii Paroling Authority has approved a parole plan, irrespective of a court-ordered minimum sentence; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2776, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2776, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety &
Military Affairs,


HENRY J.C. AQUINO, Chair



