

HB297_HD1



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Friday, February 10, 2012, 10:00 a.m.
State Capitol, Conference Room 016

By

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Bill No. and Title: House Bill No. 297, H.D. 1, Relating to Probation Services Fee.

Purpose: This bill will allow the Judiciary to assess a probation services fee to all offenders placed under the supervision of the Adult Client Services Branch, including those granted deferred acceptance of guilty plea or deferred acceptance of nolo contendere plea, to hold them accountable for their actions and makes them responsible for paying some of their supervision costs.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 297, H.D. 1, which is part of the Judiciary's legislative package.

In 2000, the Legislature established the probation services fee to help defray the costs of administering probation services. Offenders sentenced to probation are ordered to pay a probation services fee in the amount of \$150, when the term of probation is for more than one year, and \$75 when the term of probation is one year or less. Currently, the fee cannot be ordered for those offenders granted deferrals; however, the Adult Client Services Branch provides the same level of supervision for both probation and deferral cases, based on the offender's risk level. The proposed change in the statute will allow the court to collect the probation services fee from offenders placed on deferral to make them accountable for their actions and help pay for their supervision costs.



House Bill No. 297, H.D. 1, Relating to Probation Services Fee
Senate Committee on Judiciary and Labor
Friday, February 10, 2012
Page 2

Offenders placed under the supervision of Adult Client Services are provided numerous services. They are initially assessed with a Proxy screening tool and/or the Level of Service Inventory-Revised to determine their risk and criminogenic needs. For sex offenders and domestic violence offenders, there are additional screening tools utilized to supervise these offenders. This information is inputted into CYZAP, a database used by criminal justice agencies statewide. Research has shown that when probation staff develop a working alliance with an offender to target the offender's criminogenic needs, there can be a reduction in recidivism. All cases are placed into an electronic case management system, where contacts with offenders are documented. Offenders are seen by their probation officers as scheduled and offered a variety of services which may include drug testing and treatment services. The Judiciary has only limited resources and is in need of the additional revenue to meet the rising costs of supervising offenders which are not covered by the general fund and all offenders should be made responsible for paying some of these costs.

Currently, the Probation Services Special Fund is used for some personnel costs, the annual maintenance fee for the probation case management system, electronic monitoring, risk/needs assessments inputted into a Statewide criminal justice data base, and training for staff so that officers are better able to supervise offenders. Since we are using the same resources for offenders placed on probation as well as deferral, for parity in sentencing, offenders on deferral should be assessed a fee.

Thank you for the opportunity to testify on House Bill No. 297, H.D. 1.