

H.B. NO. 950

A BILL FOR AN ACT

RELATING TO COMMITTED PERSONS ON FURLOUGH.

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

1 SECTION 1. Section 353-17, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) The director or a designated agent may grant
4 furloughs to committed persons with a minimum or lower security
5 classification in any correctional facility of the department
6 for the purpose of employment, social reorientation, education,
7 or training, or any other valid purpose as determined by the
8 director. Special out-of-state furloughs may be granted to
9 those already otherwise furloughed, at no cost to the State,
10 when death or critical illness or injury to the committed
11 person's immediate family including a reciprocal beneficiary,
12 occurs. Any committed person who is engaged in private
13 employment, by contract or otherwise, not under the immediate
14 custody of the State shall not be considered an agent or
15 employee of the State. Any moneys earned from employment by
16 such person shall be used to satisfy ~~[a restitution order and to~~
17 ~~reimburse the State for the cost of room and board.]~~ the
18 following obligations in the priority listed:

1 (1) Child support orders, to be paid at a rate of thirty
2 per cent of the net monthly earnings, or the amount
3 ordered, whichever is less;

4 (2) Restitution, the crime victim compensation fee, other
5 fees and fines ordered, to be paid in the priority
6 listed, at a rate of twenty-five per cent of the net
7 monthly earnings; and

8 (3) Reimbursement to the State for the cost of room and
9 board at a rate established by the director.

10 "Net income" means a committed person's gross income less
11 applicable federal and state income tax withholdings. If any
12 earned moneys remain after these expenses have been paid, that
13 amount shall be held in an individual account for the committed
14 person.

15 When an inmate is granted a special out-of-state furlough,
16 the director shall inform the authorities of the state to which
17 the inmate is to be furloughed of the inmate's arrival."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act, upon its approval, shall take effect
2 on July 1, 2013.

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INTRODUCED BY:

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6

BY REQUEST

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JAN 22 2013

H.B. NO. 950

Report Title:

Committed Persons on Furloughs

Description:

Adds child support payments as obligations for inmates on furlough who are employed and delineates percentage of earnings that shall be deducted to satisfy outstanding orders regarding restitution, crime victim compensation, other fees and fines, and child support and reimbursement to the State for the cost of room and board.

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 COMMITTED PERSONS ON FURLOUGH.

PURPOSE: To add child support payments as obligations for inmates on furlough who are employed and delineates percentage of net earnings that shall be deducted to satisfy outstanding restitution and child support orders.

MEANS: Amend section 353-17(a), Hawaii Revised Statutes.

JUSTIFICATION: Child support orders are not included in statute as financial obligations for committed persons on furlough who are employed outside of the correctional facility. The proposed amendment will require thirty percent of net earnings be dedicated to outstanding child support orders.

This proposal also specifies twenty-five percent of net earnings be deducted to satisfy outstanding restitution orders, which is in alignment with Act 139, Session Laws of Hawaii 2012. Current law is silent on what percent shall be deducted. In addition, it adds other court ordered fees and fines as obligations.

These percentages conform to those required for deductions as found in sections 353-22.6 and 353-22.8, Hawaii Revised Statutes.

Impact on the public: Child support and restitution orders shall be enforced, benefiting dependent children and victims of crime.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 900.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2013.