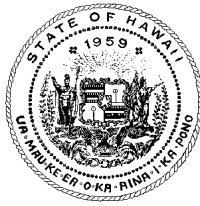


NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**TED SAKAI**  
INTERIM DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

Deputy Director  
Corrections

**Keith Kamita**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 947  
RELATING TO  
PUBLIC SAFETY  
by  
Ted Sakai, Interim Director  
Department of Public Safety

House Committee on Public Safety  
Representative Henry J.C. Aquino, Chair  
Representative Kaniela Ing, Vice Chair

Thursday, February 7, 2013; 9:00 a.m.  
State Capitol, Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill 947, relating to Public Safety, which clarifies the intent of Act 139, Session Laws of Hawaii 2012, by defining the quorum required to take action on matters before the Hawaii Paroling Authority, amending conditions for time served for a parole violation, and correcting the sunset section.

Section 6 of Act 139 increased the members of the Hawaii Paroling Authority (HPA) from a chairperson and two part-time members to a chairperson and four part-time members. This section, as introduced by the Administration, was intended to allow part-time members to rotate duties, requiring three members be present to act on matters before the parole board. The purpose of this section was to ensure a panel of three members was always available while other members were ill, on vacation, family leave, etc. It also allows for some members to be reviewing cases while others are hearing other cases.

Section 92-12, HRS, defines a quorum as "all the members to which the board or commission is entitled" unless it is otherwise specified in law. The proposed amendment allows for a panel of three members to convene a hearing, with all matters acted upon by the majority of those present. As some HPA members have previously been employed in the criminal justice system, it is not unusual for conflicts of interest in a given case to arise. Convening panels of three allows HPA to avoid conflicts requiring recusal of a member by not scheduling a member having a conflict when such a situation is identified beforehand.

On rare occasions, a member will not be aware prior to the hearing of a potential conflict of interest. This measure also allows for two members to continue to proceed with a hearing should a third member of the panel determine immediately preceding or during the course of a hearing that there is a conflict of interest that requires recusal.

Under Act 139, certain parole violators will be limited to a six-month revocation period of incarceration. Those excluded include offenders charged with new felonies and certain misdemeanors. The identified misdemeanors do not include firearms and dangerous weapons offenses, which are deemed as serious violations of parole. This proposal amends section 353-66(e) to include firearms and dangerous weapons misdemeanors as defined in chapter 134, HRS.

An oversight was discovered in Act 139 that impacts those arrested while out-of-state. Another jurisdiction may notify the Hawaii Paroling Authority that it has a person in custody for which there is an outstanding State of Hawaii parole warrant and will place a hold on that person at HPA's request. If the person is charged with another offense in the holding jurisdiction, the person may not be returned to Hawaii on the parole warrant for a considerable period of time. The proposed amendment addresses this situation by stating the period of confinement for the parole violation does not begin until the person is returned to the custody of the State.

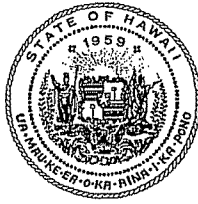
Section 14 of Act 139 contains a sunset date for certain provisions. An error was made in identifying the date when previous law was in effect, nullifying the sunset date.

HOUSE BILL 947  
February 7, 2013  
Page 3

This proposal states that the affected sections "shall be reenacted in the form on which it read on June 30, 2012."

Thank you for the opportunity to present this testimony.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 Alakea Street, First Floor  
Honolulu, Hawaii 96814

BERT Y. MATSUOKA  
CHAIR

MICHAEL A. TOWN  
MEMBER

JOYCE K. MATSUMORI-HOSHIJO  
MEMBER

ANNELLE C. AMARAL  
MEMBER

TOMMY JOHNSON  
ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 947  
RELATING TO PUBLIC SAFETY

BY

HAWAII PAROLING AUTHORITY  
Bert Y. Matsuoka, Chairman

House Committee on Public Safety

Representative Henry J.C. Aquino, Chair  
Representative Kaniela Ing, Vice Chair

Thursday, February 7, 2013; 9:00 a.m.  
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly supports House Bill 947, which is part of the Governor's administrative legislative package.

Thank you for the opportunity to testify.