

JAN 17 2014

A BILL FOR AN ACT

RELATING TO ELECTRONIC MONITORING OF CRIMINAL OFFENDERS.

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

1 SECTION 1. The legislature finds that perpetrators of
2 criminal misdemeanors and petty misdemeanors are less likely
3 than other offenders to be incarcerated upon conviction due to
4 the relatively minor nature of their crimes and because of
5 prison overcrowding and cost considerations. This lack of
6 deterrence increases the likelihood of recidivism among
7 offenders that repeatedly terrorize communities through a range
8 of crimes that threaten personal safety, property, and public
9 order.

10 The legislature further finds that electronic monitoring
11 offers a cost-effective approach to deterring recidivism among
12 criminal offenders who are sentenced to probation. Current
13 technology allows law enforcement to track an offender's
14 whereabouts and monitor behavior through a host of options and
15 without the need or expense of physical confinement.

16 The purpose of this Act is to provide a cost-effective
17 alternative to incarceration and reduce recidivism among low-
18 level criminal offenders by requiring electronic monitoring as a



1 condition of probation for repeat misdemeanor and petty
2 misdemeanor offenders who are not sentenced to incarceration.

3 SECTION 2. Section 706-624, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) Mandatory conditions. The court shall provide, as an
6 explicit condition of a sentence of probation:

- 7 (a) That the defendant not commit another federal or state
8 crime or engage in criminal conduct in any foreign
9 jurisdiction or under military jurisdiction that would
10 constitute a crime under Hawaii law during the term of
11 probation;
- 12 (b) That the defendant report to a probation officer as
13 directed by the court or the probation officer;
- 14 (c) That the defendant remain within the jurisdiction of
15 the court, unless granted permission to leave by the
16 court or a probation officer;
- 17 (d) That the defendant notify a probation officer prior to
18 any change in address or employment;
- 19 (e) That the defendant notify a probation officer promptly
20 if arrested or questioned by a law enforcement
21 officer;



1 (f) That the defendant permit a probation officer to visit
2 the defendant at the defendant's home or elsewhere as
3 specified by the court; [~~and~~]

4 (g) That the defendant make restitution for losses
5 suffered by the victim or victims if the court has
6 ordered restitution pursuant to section 706-646[-];
7 and

8 (h) That the defendant in a misdemeanor or petty
9 misdemeanor case submit to monitoring by an electronic
10 monitoring device if the defendant:

11 (i) Has been convicted of any misdemeanor or petty
12 misdemeanor on at least two prior and separate
13 occasions within three years of the date of the
14 commission of the present offense; and

15 (ii) Will not be sentenced to a term of imprisonment
16 for the present offense as a condition of
17 probation pursuant to subsection (2)(a) or under
18 any other law."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. This Act shall take effect upon its approval.
5

INTRODUCED BY:

By request 



S.B. NO. 2387

Report Title:

Mandatory Terms of Probation for Repeat Offenders; Electronic Monitoring; Misdemeanors; Petty Misdemeanors

Description:

Requires electronic monitoring as a condition of probation for repeat misdemeanor and petty misdemeanor offenders who are not sentenced to incarceration.

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