

S.B. NO. 2884

JAN 23 2014

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A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. Section 353-14, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§353-14 Cash furnished discharged committed person, when.**

4 Upon the discharge or parole of any committed person who has  
5 undergone a commitment or sentence of more than one year, the  
6 committed person may be furnished by the Hawaii paroling  
7 authority, in its discretion, with funds of not more than \$200,  
8 to meet the committed person's immediate needs. The  
9 expenditures made by the Hawaii paroling authority shall be  
10 included among the accounts for cost and maintenance of  
11 committed persons[-]; provided that legislative appropriations  
12 specifically for these purposes have been authorized and  
13 allocated to the authority."

14 SECTION 2. Section 353-70, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§353-70 Final discharge.** Whenever, in its opinion, any  
17 paroled prisoner has given such evidence as is deemed reliable  
18 and trustworthy that the paroled prisoner will remain at liberty

1 without violating the law and that the paroled prisoner's final  
2 release is not incompatible with the welfare of society, the  
3 Hawaii paroling authority may grant the prisoner a written  
4 discharge from further liability under the prisoner's  
5 sentence[-] unless the inmate is serving any portion of a court  
6 ordered mandatory minimum sentence or the inmate or paroled  
7 prisoner owes restitution for any unexpired term.

8 Any paroled prisoner who has been on parole for at least  
9 five years shall be brought before the paroling authority for  
10 purposes of consideration for final discharge and, at the  
11 discretion of the authority, may be considered for a  
12 recommendation for a complete pardon. In the event the prisoner  
13 is not granted a final discharge and full pardon, the parole  
14 prisoner shall be brought before the paroling authority for the  
15 aforementioned purposes annually thereafter.

16 Any person, who, while on parole, enters the military  
17 service of the United States, may, upon the person's honorable  
18 discharge therefrom, petition the paroling authority for a final  
19 discharge, and the paroling authority may consider the honorable  
20 discharge as grounds for granting a final discharge from parole  
21 and recommending to the governor a full pardon."

22 SECTION 3. Statutory material to be repealed is bracketed  
23 and stricken. New statutory material is underscored.

S.B. NO. 2884

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

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INTRODUCED BY: *Anna Mercedes Kue*

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BY REQUEST

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**Report Title:**

Parole; Legislative Appropriations; Discharged Persons

**Description:**

Specifies that funds for discharged persons be subject to legislative appropriation. Clarifies circumstances under which the paroling authority may grant early discharges. Provides discretion to the paroling authority with respect to initial pardon consideration as it relates to paroled prisoners.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# SB. NO. 2884

## JUSTIFICATION SHEET

DEPARTMENT: Public Safety.

TITLE: A BILL FOR AN ACT RELATING TO PAROLE.

PURPOSE: Provide clarity as it relates to various parole and pardon matters.

MEANS: Amend sections 353-14 and 353-70, Hawaii Revised Statutes.

JUSTIFICATION: This bill clarifies the need for dedicated legislative appropriations for the award of "GATE" funds pursuant to Act 201, Session Laws of Hawaii 1987; clarifies that the Hawaii Paroling Authority may in its discretion grant early discharges to offenders unless the inmate is serving a court-ordered mandatory minimum sentence or owes restitution for any unexpired sentence; and provides discretion to the Hawaii Paroling Authority with respect to initial pardon consideration as it relates to paroled prisoners on parole for at least five years.

Impact on the public: Clarity will be provided to offenders and the general public as it relates to various parole and pardon matters.

Impact on the department and other agencies: Clarity will be provided to the Hawaii Paroling Authority as it relates to various parole and pardon matters.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 611 and 612.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.