

JAN 17 2013

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. As part of a sentence of probation, the courts
2 typically impose certain conditions on probation, the violation
3 of which may result in sanctions including revocation of
4 probation and confinement. The legislature finds that
5 probationers often fail to appear for scheduled appointments
6 with their probation officers, decline to take mandatory drug
7 tests, or test positive for illegal drug use. Additionally,
8 studies show that as many as half of all probationers break the
9 law again.

10 In 2004, the circuit court of the first circuit in this
11 State launched a probation modification project, known as
12 Hawaii's opportunity probation with enforcement program. Under
13 conventional probation systems, violations by probationers, such
14 as failing to appear for scheduled appointments with their
15 probation officers, typically go unpunished for months or years
16 until the violations accumulate to the point that the
17 probationer faces severe consequences, including revocation of
18 probation and being sentenced to a long prison term. Under the



1 Hawaii's opportunity probation with enforcement program,
2 however, sanctions are imposed for each probation violation, and
3 although the sanctions may be relatively minor, often only a few
4 days in jail, they are imposed immediately after each violation,
5 rather than months or years after a violation.

6 In a one-year, randomized controlled trial comparing
7 Hawaii's opportunity probation with enforcement program
8 probationers to probationers in a control group, Hawaii's
9 opportunity probation with enforcement program probationers were
10 fifty-five per cent less likely to be arrested for a new crime,
11 seventy-two per cent less likely to use drugs, sixty-one per
12 cent less likely to miss appointments with their supervisory
13 officer, and fifty-three per cent less likely to have their
14 probation revoked. Probationers involved in Hawaii's
15 opportunity probation with enforcement program were sentenced
16 to, on average, forty-eight per cent fewer days of incarceration
17 than probationers in the control group.

18 The legislature further finds that a new program modeled
19 after Hawaii's opportunity probation with enforcement program
20 has immense potential to likewise lower the recidivism rate for
21 parolees, who are more inclined to be reincarcerated for
22 violation of the terms of parole or commit more offenses.



1 The purpose of this Act is to establish a Hawaii's
2 opportunity parole with enforcement pilot program, a pilot
3 program for parolees similar to the Hawaii's opportunity
4 probation with enforcement program for probationers.

5 SECTION 2. (a) No later than July 1, 2014, the department
6 of public safety shall establish and administer a two-year pilot
7 program for high-intensity parole supervision called Hawaii's
8 opportunity parole with enforcement pilot program. The Hawaii
9 paroling authority shall select not more than twenty inmates to
10 participate in Hawaii's opportunity parole with enforcement
11 pilot program.

12 (b) The Hawaii's opportunity parole with enforcement pilot
13 program shall:

14 (1) Provide formal warning to a parolee, in a hearing
15 before the Hawaii paroling authority, of the sanctions
16 that shall be imposed for violating the conditions of
17 parole;

18 (2) Require the parolee to submit to random drug testing;

19 (3) Order the arrest of any parolee who tests positive for
20 illegal drug use;

21 (4) Order the arrest of any parolee who fails to appear
22 for a scheduled appointment with a parole officer,



1 fails to appear for a required drug test, or otherwise
2 violates the conditions of parole;

3 (5) Impose sanctions within a short period of time from
4 the occurrence of a violation. Sanctions shall
5 include the modification of the terms of parole and
6 short terms of incarceration, which may be increased
7 if a parolee continues to violate the conditions of
8 parole; and

9 (6) Ensure that any parolee in need of drug treatment,
10 mental health therapy, or other social services
11 receives the needed treatment.

12 (c) The Hawaii paroling authority shall submit a
13 preliminary report to the legislature, no later than December 1,
14 2015, and a final report no later than December 1, 2016, that
15 shall include:

- 16 (1) The progress of the pilot project;
- 17 (2) Cost analysis and an accounting of expenses;
- 18 (3) Relevant data on program participants;
- 19 (4) Program and management evaluations; and
- 20 (5) Any other pertinent information, recommendations, or
21 proposed legislation, if any, to determine whether the
22 program should be continued.



1 (d) The attorney general and the Hawaii's opportunity
2 probation with enforcement probation program of the judiciary
3 shall assist the department of public safety to gather
4 information on cost analysis and an accounting of expenses and
5 relevant data on program participants for purposes of the
6 preliminary and final reports to the legislature.

7 (e) The department of public safety may adopt rules
8 pursuant to chapter 91, Hawaii Revised Statutes, to effectuate
9 this Act; provided that the adoption of rules shall be completed
10 no later than December 1, 2013.

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2013-2014 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2014-2015 for the Hawaii's opportunity parole with
16 enforcement pilot program.

17 The sums appropriated shall be expended by the department
18 of public safety for the purposes of this Act.

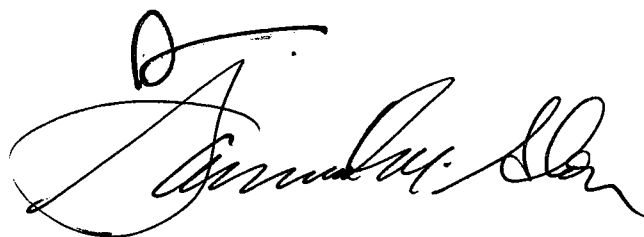


S.B. NO. 75

1 SECTION 4. This Act shall take effect on July 1, 2013, and
2 shall be repealed on June 30, 2017.

3

INTRODUCED BY: Will Zygo



S.B. NO. 75

Report Title:

Corrections; Parole Pilot Project; Appropriation

Description:

Establishes a two-year parole pilot program for no more than twenty inmates to be subject to high-intensity parole supervision. Requires DPS to report to legislature. Makes an appropriation for the program.

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

