

JAN 17 2013

A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. The legislature finds that states are creating
2 and expanding earned time programs that reduce the length of
3 stay for certain offenders while maintaining public safety.
4 Among policies that states use to reserve prison beds for the
5 most dangerous offenders, earned time also creates an incentive
6 for motivated offenders to work, take part in rehabilitation,
7 and otherwise prepare to be successful in the community. Earned
8 time helps states reduce the corrections budget burden and
9 allows funds saved to be invested in programs that reduce
10 recidivism and help build safe communities.

11 Education and work offer the most common opportunities for
12 earned time. In at least twenty-one states, inmates earn time
13 off their sentences by participating in or completing
14 educational courses. In Nevada, for example, an inmate can earn
15 ten days per month for participation in an education program;
16 and an additional sixty, ninety, or one hundred twenty days for
17 completing a certificate, diploma, or degree, respectively.



1 At least eighteen states provide earned time for work.
2 This includes facility work assignments, jobs with prison
3 industries, or work crews. California, Colorado, and Louisiana
4 laws reward inmates who are trained to work in disaster relief
5 or on conservation projects. Sentence credits for these
6 programs are greater than for ordinary prison work, education,
7 or training. In California, an inmate earns two days' credit
8 for every one day of such service.

9 Inmates can earn time for participating in, as well as
10 credit for completing, vocational programs in at least sixteen
11 states. Rehabilitative programs, including substance abuse and
12 mental health treatment, provide opportunities for earned time
13 in at least fourteen states.

14 Special projects are eligible for earned time in Kentucky,
15 Maryland, and Mississippi. At least thirteen states award time
16 for meritorious service, such as preventing escape, helping in
17 emergency situations, and helping to maintain the safety and
18 security of the institution. In North Dakota, meritorious
19 credit is defined as "exceptional quantity or quality of work
20 far beyond the normal expectations for the job assignment,
21 beneficial suggestions resulting in substantial savings to the
22 state, acts of outstanding heroism, or acts which protect the



1 lives of employees or other inmates or the property of the
2 institution."

3 The national council on crime and delinquency recently
4 published a literature review of studies on state "accelerated
5 release" policies over a twenty-three year period. Of the
6 thirteen research reports reviewed, none found a statistically
7 significant increase in rates of recidivism for those offenders
8 who reduced their length of incarceration. A few studies
9 instead found a decrease in recidivism rates. An evaluation of
10 Wisconsin's earned time policy, for example, found that
11 seventeen per cent of inmates released early returned to prison
12 after the first year, compared to twenty-eight per cent of those
13 freed on their mandatory release date.

14 The National Conference of State Legislatures reported in
15 2011 that Hawaii was one of only seven states that did not offer
16 "good time" or "earned time" credits.

17 The purpose of this Act is to establish a system of earned
18 time that allows inmates in Hawaii or in contracted correctional
19 facilities on the mainland to earn credit toward their minimum
20 time of imprisonment.



1 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353- Earned-time program. (a) There is established
5 the earned-time program to be administered by the department.
6 Under this program, a committed person shall be eligible for
7 parole before the expiration of the person's minimum term set by
8 the Hawaii paroling authority upon demonstrating progress toward
9 rehabilitation in each of the following categories to the extent
10 that the services listed in the following categories are
11 available at the committed person's correctional facility:

12 (1) Work, vocational, or occupational training and skills,
13 including consideration of factors such as attendance,
14 promptness, performance, cooperation, care of
15 materials, and safety;

16 (2) Social adjustment, including skills such as group
17 living, housekeeping, personal hygiene, and
18 cooperation;

19 (3) Counseling sessions and self-help groups;

20 (4) Therapeutic and other similar departmental programs;
21 and

22 (5) Education or literacy programs.



1 (b) The department shall review the performance of each
 2 person committed to the custody of the director, including a
 3 review of certified records of the person's performance in the
 4 earned-time program and, consistent with this section, may
 5 grant, withhold, withdraw, or restore an earned-time deduction
 6 from the person's minimum term of imprisonment set by the Hawaii
 7 paroling authority. The review shall be conducted annually
 8 while the person is incarcerated, and an earned-time deduction
 9 shall vest upon being granted. If the annual review changes the
 10 amount of earned-time vested for the person committed, the
 11 director shall promptly notify the crime victim, if any, of the
 12 person's adjusted minimum term completion date."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2014.

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INTRODUCED BY: Will Engro

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S.B. NO. 76

Report Title:

Corrections; Parole; Earned-time Program

Description:

Establishes an earned-time program under which a person may be eligible for parole prior to the expiration of the person's minimum term of incarceration. The person must show progress toward rehabilitation with improved social skills or participation in educational, occupational, or counseling programs. Requires the department to review each person's performance annually to determine if the person merits an earned-time deduction.

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

