

S.B. NO. 1132

JAN 28 2015

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Section 353-66, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) Any paroled prisoner retaken and reimprisoned as
4 provided in this chapter shall be confined according to the
5 paroled prisoner's sentence for that portion of the paroled
6 prisoner's term remaining unserved at time of parole, but
7 successive paroles may, in the discretion of the paroling
8 authority, be granted to the prisoner during the life and in
9 respect of the sentence. If the paroled prisoner is retaken and
10 reimprisoned for violating a condition of parole but has not:

11 (1) Been charged with a new felony offense or a new
12 misdemeanor offense under chapter 134, chapter 707, or
13 section 709-906;

14 (2) Absconded or left the State without permission from
15 the paroling authority;

16 (3) Violated conditions applicable to sex offenders, such
17 as registering as a sex offender or conditions related
18 to proximity to specified locations or persons; or

1 (4) Been previously reimprisoned for violating the
2 conditions of parole on the current offense,
3 the paroled prisoner shall be confined for no more than six
4 months or for that portion of the paroled prisoner's term
5 remaining unserved at the time of parole, whichever is shorter,
6 so long as the paroling authority has approved a parole plan as
7 set forth under section 706-670(3) and (4). The minimum term of
8 imprisonment shall be determined by the court or the paroling
9 authority, as the case may be. The prisoner shall be given
10 credit for time served in custody pending a hearing on
11 revocation of parole as it relates to the six-month parole
12 revocation. No prisoner shall be incarcerated beyond the
13 expiration of the prisoner's maximum terms of imprisonment."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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S.B. NO. 1132

Report Title:
Public Safety

Description:

Includes misdemeanor offenses under chapter 134 (Firearms, Ammunition and Dangerous Weapons), Hawaii Revised Statutes, to the offenses that disqualify parolees from the provisions of Act 139, Session Laws of Hawaii 2012.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.

PURPOSE: To includes misdemeanor offenses under chapter 134 (Firearms, Ammunition and Dangerous Weapons) Hawaii Revised Statutes, to the offenses that disqualify parolees from the provisions of Act 139, Session Laws of Hawaii (SLH) 2012.

MEANS: Amend section 353-66(e), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Act 139, SLH 2012, is the center piece of the Justice Reinvestment Initiative.

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.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 611.

OTHER AFFECTED AGENCIES: County prosecutors and the Office of the Public Defenders.

EFFECTIVE DATE: Upon approval.