

SB 1332

RELATING TO PUBLIC SAFETY

Establishes an additional sanction available to the judiciary prior to full parole revocation.

PSM, JDL

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**THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai'i**

February 12, 2015

RE: S.B. 1332; RELATING TO PUBLIC SAFETY.

Chair Espero, Vice-Chair Baker, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to Senate Bill 1332.

The purpose of S.B. 1332 is to further limit the Hawaii Paroling Authority's ("HPA") ability to reincarcerate an offender for parole violations.

In 2012, the Legislature passed Act 139, which drastically limited the HPA's discretion to reincarcerate a paroled offender for violation of the terms and/or conditions of parole. Among other things, the HPA was limited to imposing a maximum of six months reincarceration (or the remaining portion of the prisoner's sentence, whichever is shorter)—regardless of the circumstances of the offender's parole violations—barring certain enumerated exceptions.

As in 2012, the Department strongly maintains that discretion should be left with the HPA, to properly determine the appropriate length of reincarceration, with due consideration to all relevant factors and circumstances. If three months of reincarceration—or any length of time less than six months—is appropriate for a particular situation, the HPA already has the authority to make that determination. To further tie the HPA's hands would severely discount the breadth of knowledge, perspective and experience, which the HPA is intended to exercise.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of S.B. 1332. Thank you for the opportunity to testify on this matter.

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Prosecuting Attorney

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Rebecca A. Vogt
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COMMENTS REGARDING
SB1332 – RELATING TO PUBLIC SAFETY

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Public Safety, Intergovernmental and Military Affairs
February 12, 2015, 1:15 p.m., Conference Room 229

Chair Espero, Vice Chair Baker, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, submits these COMMENTS regarding SB1332 – Relating to Public Safety. This Bill establishes an additional sanction available to the Hawai'i Paroling Authority prior to full parole revocation and amends the definition of "absconding" by deeming a parolee who surrenders within seven days of the issuance of a bench warrant to not have absconded.

We respectfully observe that a bench warrant for the arrest of a parolee is generally not issued until after considerable efforts have been expended to locate and contact the parolee. A parolee who cannot be located absence of a bench warrant for the parolee's arrest has, in every logical construction, of the term, absconded.

Accordingly, we submit that this proposed change to the definition of the term "absconded" be deleted from the bill. We express no opinion as to the Bill's other provisions.

Thank you very much for the opportunity to provide COMMENTS on this Bill.