

JAN 20 2017

A BILL FOR AN ACT

RELATING TO ESCAPE FROM WORK FURLOUGH.

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

1 SECTION 1. The legislature finds that inmates who
2 participate in work furlough programs benefit greatly from the
3 reorientation and work experience outside of confinement. Work
4 furlough programs offer employment, job readiness, and
5 vocational programming which are necessary for inmate
6 rehabilitation. Often inmates in a work furlough program are
7 nearing completion of their minimum terms of imprisonment.
8 Participating inmates are rigorously screened by the department
9 of public safety to ensure that the inmate does not pose a
10 danger to the community and can live in the community as a
11 contributing citizen. The work furlough program of the
12 department of public safety is one of the department's most
13 successful rehabilitation tools.

14 The legislature further finds that a few participating
15 inmates may become overwhelmed by the temptation to escape from
16 a work furlough program. Inmates who succumb to that temptation
17 of finding freedom may be charged with the offense of escape in



1 the second degree, a class C felony that carries a five-year
2 possible sentence. The legislature further finds that inmates
3 who escape from work furlough typically do so in a lapse of
4 judgment.

5 The purpose of this Act is to limit the additional time for
6 which an inmate may be sentenced to serve after escaping from a
7 work furlough program at a conditional release center and
8 without committing a new crime before voluntarily returning or
9 being apprehended.

10 SECTION 2. Section 706-660, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) A person who has been convicted of a class B or class
13 C felony for any offense under part IV of chapter 712 may be
14 sentenced to an indeterminate term of imprisonment; provided
15 that this subsection shall not apply to sentences imposed under
16 sections 706-606.5, 706-660.1, 712-1240.5, 712-1240.8 as that
17 section was in effect prior to July 1, 2016, 712-1242, 712-1245,
18 712-1249.5, 712-1249.6, 712-1249.7, and 712-1257.

19 When ordering a sentence under this subsection, the court
20 shall impose a term of imprisonment, which shall be as follows:



1 (a) For a class B felony--ten years or less, but not less
2 than five years; and

3 (b) For a class C felony--five years or less, but not less
4 than one year[-]; provided that a person who is
5 convicted of escape under section 710-1021(3) shall be
6 sentenced in accordance with that paragraph.

7 The minimum length of imprisonment shall be determined by the
8 Hawaii paroling authority in accordance with section 706-669."

9 SECTION 3. Section 706-669, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) When a person has been sentenced to an indeterminate
12 or an extended term of imprisonment, the Hawaii paroling
13 authority shall, as soon as practicable but no later than six
14 months after commitment to the custody of the director of the
15 department of public safety hold a hearing, and on the basis of
16 the hearing make an order fixing the minimum term of
17 imprisonment to be served before the prisoner shall become
18 eligible for parole[-]; provided that the minimum term of
19 imprisonment for an escape while participating in a work
20 furlough program shall be fixed by the court pursuant to
21 sentencing under section 710-1021(3)."



1 SECTION 4. Section 710-1021, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§710-1021 **Escape in the second degree.** (1) A person
4 commits the offense of escape in the second degree if the person
5 intentionally escapes from a correctional or detention facility
6 or from custody.

7 (2) Escape in the second degree is a class C felony.

8 (3) Notwithstanding subsection (2), a person who escapes
9 from a work furlough program shall serve the following minimum
10 sentence as fixed by the court for the escape in addition to any
11 other sentence the person was serving at the time of the escape,
12 if no new offense was committed by that person while on escape:

13 (a) For an escape committed by a person who voluntarily
14 returns to the department of public safety's custody
15 within thirty days of the escape, the sentence under
16 this section shall be for eighteen months or less; and

17 (b) For an escape committed by a person who does not
18 voluntarily return to the department of public
19 safety's custody within thirty days of the escape and
20 is re-apprehended, the sentence under this section
21 shall be for thirty months or less.



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1 For purposes of this subsection, failure of a person to pass a
2 test or drug test, as defined in section 353G-2, shall not
3 constitute a new offense that makes the person ineligible for
4 the minimum sentence limits of this subsection."

5 SECTION 5. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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S.B. NO. 565

Report Title:

Escape; Conditional Release; Work Furlough

Description:

Limits the additional time that an inmate may be sentenced to serve after escaping from a work furlough program and without committing a new crime before voluntarily returning or being apprehended.

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

