

Honolulu, Hawaii

FEB 08 2018

RE: S.B. No. 2815
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 2815 entitled:

"A BILL FOR AN ACT RELATING TO PAROLE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify circumstances under which the Hawaii Paroling Authority may grant early discharges to paroled prisoners;
- (2) Provide the Hawaii Paroling Authority with discretion when considering pardons for paroled prisoners; and
- (3) Clarify that early discharge consideration of paroled prisoners is an administrative action.

Your Committee received testimony in support of this measure from the Hawaii Paroling Authority. Your Committee received testimony in opposition to this measure from the Community Alliance On Prisons, Young Progressives Demanding Action, and Ho'omanapono Political Action Committee. Your Committee received comments on this measure from the Libertarian Party of Hawaii and two individuals.



Your Committee finds that an efficient and effective parole system is essential to the proper functioning of the State's corrections system. Under existing law, the power of the Hawaii Paroling Authority to grant final discharge to paroled prisoners is broad and without clearly defined limits. Consequently, there is a lack of adequate consideration of victims under the existing discharge guidelines. Further, your Committee finds that the efficiency of the Paroling Authority would be greatly enhanced by allowing the Paroling Authority to consider final discharge of prisoners in an administrative action rather than in-person hearings.

Your Committee further finds that this measure clarifies that the Paroling Authority cannot grant parole to those inmates who are serving a portion of a court-ordered mandatory minimum sentence or who owe restitution. Additionally, this measure clarifies that in cases of early discharge of paroled persons, the Paroling Authority can decide the matter in an administrative hearing. Moreover, this measure establishes that the Hawaii Paroling Authority's consideration for a recommendation for a complete pardon of a paroled prisoner is discretionary.

However, your Committee understands that there are individual circumstances where an in-person hearing would better protect the interests of paroled prisoners and the Paroling Authority. Therefore, it is important to provide the Paroling Authority with discretion in deciding whether to consider final discharge of paroled prisoners in administrative actions or through in-person hearings. In addition, it is important to provide those prisoners denied final discharge or full pardon an annual in-person hearing subsequent to their initial denial.

Accordingly, your Committee has amended this measure by:

- (1) Making administrative reviews of considerations for final discharge by the Paroling Authority permissive rather than mandatory; and
- (2) Removing language that would have required the Paroling Authority to conduct subsequent annual reviews for the purposes of considering final discharge as administrative actions.



As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2815, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2815, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 2815	Committee Referral: PSM, JDC	Date: 1/30/18
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature: 

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***Only one measure per Record of Votes**