

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
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Deputy Director  
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**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1517  
RELATING TO MINIMUM TERMS OF IMPRISONMENT

By  
Nolan P. Espinda, Director

House Committee on Public Safety  
Representative Gregg Takayama, Chair  
Representative Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017; 10:00 a.m.  
State Capitol, Conference Room 312

Chair Takayama, Vice Chair LoPresti, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 1517, which would require judges, and not the Hawaii Paroling Authority, to determine the minimum term of imprisonment that a convicted offender must serve before becoming eligible for parole, and fully concurs with all of the rationalizations and justifications provided therein.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 Alakea Street, First Floor  
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN  
Interim Chair

JOYCE K. MATSUMORI-HOSHIJO  
MICHAEL A. TOWN  
ANNELLE C. AMARAL  
FITUINA F. TUA  
MEMBERS

TOMMY JOHNSON  
ADMINISTRATOR

No. \_\_\_\_\_

**TESTIMONY ON HOUSE BILL 1517  
RELATING TO MINIMUM TERMS OF IMPRISONMENT**

By  
Edmund "FRED" Hyun, Interim Chair  
Hawaii Paroling Authority

COMMITTEE ON PUBLIC SAFETY  
Rep. Gregg Takayama, Chair  
Rep Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017- 10:00 a.m.  
State Capitol, Conference Room 312

Chair Takayama, Vice Chair LoPresti, and Members of the Committee

The Hawaii Paroling Authority (HPA) is in support of House Bill 1517 requiring judges to determine the minimum term of imprisonment a convicted offender must serve before becoming eligible for parole.

At sentencing, judges have the relevant information and arguments due to their familiarity with the offender's criminal history the facts and circumstances of the offense committed. In addition, the judges will have input from prosecution, defense, and family members and/or victims who would be able to testify at the sentencing.

Upon commitment and admission into the correctional facility, the intake/assessment process called "Reception Assessment Diagnostic" (RAD) will have the necessary documents and investigatory material to develop a timely and accurate prescriptive plan for the offender. More importantly, the offender can begin to attend recommended programs as identified in the prescriptive plan(s). Completing all recommended programs will allow the offender to be parole eligible with a better chance for successful release.

House Bill 1517 has the potential to impact and reduce the prison population and enhance custody and control of offenders.

Thank you for the opportunity to provide testimony on HB 1517.



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Public Safety**

Representative Gregg Takayama, Chair  
Representative Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017  
State Capitol, Conference Room 312

WRITTEN TESTIMONY ONLY

by  
Judge Rom A. Trader  
First Judicial Circuit

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**Bill No. and Title:** House Bill No. 1517, Relating to Minimum Terms of Imprisonment.

**Purpose:** Requires judges, instead of the Hawaii paroling authority, to determine the minimum term of imprisonment a convicted offender must serve before becoming eligible for parole

**Judiciary's Position:**

The Judiciary takes no position on the merit of House Bill No. 1517, which is a broad and systemic change to sentencing procedures in criminal cases. However, we wish to respectfully reiterate and endorse the concern of the 2015 Penal Code Review Committee regarding the need for a more comprehensive study of sentencing in Chapter 706 of Hawai'i Revised Statutes. Link to the 2015 Penal Code Review Committee Report, submitted to the Legislature on December 30, 2015:

[http://www.courts.state.hi.us/docs/news\\_and\\_reports\\_docs/2015\\_PENAL\\_CODE\\_REVIEW\\_REPORT-FINAL-12-30-15.pdf](http://www.courts.state.hi.us/docs/news_and_reports_docs/2015_PENAL_CODE_REVIEW_REPORT-FINAL-12-30-15.pdf)

Chief Justice Recktenwald convened this Committee in response to House Concurrent Resolution No. 155, Senate Draft 1, adopted by the Twenty-eighth Legislature, 2015 Session. The 2015 Penal Code Review Committee, chaired by Judge Steven Alm, comprised 29 members, including judges (appellate, circuit and district courts); the Chair of the Senate Committee on Judiciary and Labor; the Chair of the House Judiciary Committee; the Attorney General; the Director of the Department of Public Safety; the Prosecuting Attorney or designee from every



county; a representative from the Office of the Public Defender; representatives from the Honolulu Police Department; a representative from the Office of Hawaiian Affairs; a member of the Judicial Council; representatives of the criminal defense bar; crime victim advocates; and community advocates. Moreover, Committee members were encouraged to reach out to relevant stakeholders throughout the community for suggestions and input into the Committee's work. Statutory changes recommended by the Committee were enacted as amended by the 2016 Legislature in Act 231, Session Laws of Hawai'i 2016.

As a member of the 2015 Penal Code Review Committee, I chaired the Chapter 706 Subcommittee, which conducted extensive research and consultation with criminal justice agencies, the Hawai'i Paroling Authority, the Department of Public Safety, victim treatment providers, offender treatment providers, and community advocates. The list of the Chapter 706 Committee members, government and community contacts, and publications consulted appears on pages 1-5 of Appendix B of the Committee Report.

The full Committee endorsed 16 recommendations of the Chapter 706 Subcommittee, discussed in pages 22-41 of the 2015 Penal Code Review Committee Report, and made the final recommendation on sentencing:

*The Committee strongly recommends the Legislature conduct a further and more comprehensive study of Chapter 706, Hawaii Revised Statutes, with regard to sentencing and the setting of minimum terms of imprisonment by the Hawaii Paroling Authority. During the course of the Committee's work, there was substantial discussion concerning the continuing efficacy of many of these provisions. In order to consider possible reforms, a thorough examination is required to identify concerns, gather information and feedback from a broad variety of perspectives, and consider the potential alternatives and the anticipated impact these changes may have across the entire criminal justice system. The views and concerns of key stakeholders such as law enforcement agencies, corrections officials, probation officers, parole officers, prosecutors, crime victims, and advocacy groups, as well as, offenders, defense counsel, treatment providers, judges and the community should be compiled and considered.*

*While the Committee has labored to make our review of the penal code as thorough as possible, given the time constraints within which we were required to complete our work, the consensus was that it would not be possible to make fully informed recommendations involving complex systemic changes to our current sentencing scheme and the setting of minimum terms of incarceration. Therefore, it is recommended that the Legislature consider and best decide how to further explore system-wide criminal justice reforms in these areas.*



House Bill No. 1517, Relating to Minimum Terms of Imprisonment  
House Committee on Public Safety  
February 9, 2017 10:00 AM  
Page 3

The Judiciary notes that the broader scope and extended time needed to do a comprehensive sentencing study would require significant funding. If the Judiciary is tasked in the future to conduct a comprehensive study with appropriate resources, we respectfully request that any funding be in addition to the Judiciary's current budget request contained in House Bill No. 320 and Senate Bill No. 469.

We further note that House Bill No. 1295, proposing a Governor's Commission on Criminal Justice and Sentencing Reform is also scheduled to be heard by the House Public Safety Committee on Thursday, February 9, 2017. This 30-plus member Commission includes two members representing the Judiciary and is charged to develop a statewide framework of sentencing and corrections policies to reduce the State's incarcerated population by 25 percent by 2025, with a report back to the 2019 Legislature. Although the purpose of the Governor's Commission is focused on addressing prison populations, rather than the overall sentencing structure, it may be prudent to delay significant changes until after the Legislature receives the report.

Thank you for the opportunity to comment on this measure.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY  
MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 460  
A BILL RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS

**LATE**

PRESENTATION TO  
THE HOUSE COMMITTEE ON PUBLIC SAFETY  
BY  
VERN T. MIYAGI, ADMINISTRATOR

Chair Takayama, Vice Chair Lopresti and Members of the Committee.

I am Vern T. Miyagi, the administrator of the Hawaii Emergency Management Agency and I am testifying in **SUPPORT** of House Bill 460.

This measure strengthens interoperable communications through governance. A collaborative governance approach will assist in developing efficient and coordinated interoperable communications.

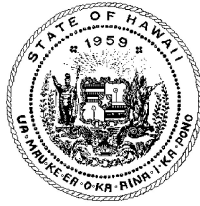
An efficient and coordinated interoperable communications system is critical to any successful response to and recovery from a major disaster. It will save lives.

Sincerely apologize for the late submission.

Thank you for allowing me to testify in **SUPPORT** of House Bill 460.

Vern T. Miyagi: [vern.t.miyagi@hawaii.gov](mailto:vern.t.miyagi@hawaii.gov); 808-733-4300

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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**MARI MCCAIG**  
Chair

**ABELINA SHAW**  
Commissioner

**MARTHA ROSS**  
Commissioner

**PAMELA FERGUSON-BREY**  
Executive Director

TESTIMONY ON HOUSE BILL 1517  
A BILL FOR AN ACT RELATING TO  
MINIMUM TERMS OF IMPRISONMENT

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

House Committee on Public Safety  
Representative Gregg Takayama, Chair  
Representative Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017; 10:00 AM  
State Capitol, Conference Room 312

Chair Takayama, Vice Chair LoPresti, and Members of the House Committee on Public Safety:

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to testify in strong opposition to House Bill 1517 Relating to Minimum Terms of Imprisonment. House Bill 1517 proposes to have minimum terms of imprisonment be set by the courts instead of the Hawai'i Paroling Authority.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

In 2015, the Commission was appointed to the Committee to Review and Recommend Revisions to the Hawai'i Penal Code (Penal Code Committee) which was established pursuant to HCR 155. Amending the penal code to have the courts instead of the parole board set an inmate's mandatory minimum sentence, was raised but deferred to allow the issue to be studied. Last term, HCR 85 was adopted by the House and Senate to create a task force to study effective incarceration policies to improve Hawai'i's correctional system. The task force's report is due at the beginning of the 2018 legislative session. The task force was convened without any representatives from victim advocacy groups, prosecutors, or public defenders.

Before this bill should be considered, a task force which includes all stakeholders, particularly victim advocacy groups, prosecutors, and public defenders, should be convened to study this issue to report and make recommendations to the legislature.

Thank you for providing the Commission with an opportunity to testify in strong opposition to House Bill 1517.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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KEITH M. KANESHIRO  
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CHRISTOPHER D.W. YOUNG  
FIRST DEPUTY PROSECUTING ATTORNEY



**LATE**

**THE HONORABLE GREGG TAKAYAMA, CHAIR**  
**HOUSE COMMITTEE ON PUBLIC SAFETY**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2017**  
**State of Hawai'i**

February 9, 2017

**RE: H.B. 1517, RELATING TO MINIMUM TERMS OF IMPRISONMENT.**

Chair Takayama, Vice-Chair LoPresti and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in opposition to H.B. 1517.

While the purpose clause in Section 1 of H.B. 1517 would have you believe that this bill is inspired by concerns for crime victims, nothing could be farther from the truth. While at first glance there may be a perception that judges in general are very familiar with the impact of crime on victims due to sitting through trial testimony, the reality is that judges are directly exposed to victim testimony in very few cases. The vast majority of cases are resolved through plea agreements. And it is the very process of arriving at plea agreements that gives us our initial pause in considering the proposals in this bill to give judges the authority to establish minimum terms of imprisonment in place of the current process which assigns that responsibility to the Hawaii Paroling Authority. Many, if not most judges actively encourage plea agreements as the primary means of managing their court calendars and caseloads. This process typically favors giving various concessions to defendants in return for their agreement to plead guilty or no contest. While there is a requirement that victims be advised and consulted by the Prosecuting Attorney regarding plea agreements, a victim has little to no influence over a judge’s role in this process. Under the Court Rules judges may actually take part in the plea agreement process and thereby become bound to abide by the elements of the agreement. It is our deep concern that the establishment of minimum terms will undoubtedly become an integral part of this process. While a prosecutor has little concern about fully and honestly expressing themselves in front of the Paroling Authority regarding an appropriate minimum term for a convicted felon judges can wield significant leverage and influence over a deputy prosecutor who must appear before that judge daily and may be subjected to significant pressure to agree to a reduced minimum term.

As to the direct impact upon victims of the proposed change in responsibility for setting minimum terms, the process is significantly different than represented in the Section 1 of this bill. While it is true that some victims are reluctant to appear at HPA Minimum Term Hearing due to the fact that they are typically held at correctional facilities, just as many victims are reluctant to appear in court to make a statement in open court at sentencing hearings. Often this is due to the public nature of court proceedings and the strong likelihood that the defendant will have many family members and friends present who are often perceived as antagonistic and threatening to victims. In contrast Parole Minimum Hearings are held behind closed doors in a secure facility where the victim's safety is assured.

In an informal survey recently conducted statewide among victim advocates it was clear that most victims consider the Hawaii Paroling Authority (HPA) as welcoming and interested in what they had to say. In contrast many victims express concerns that judges appear indifferent, uncomfortable, or in some instances hostile over the frank and often emotional statements made by victims at sentencing hearings. Also in stark contrast to the fact that a victim's right to appear at Parole Minimum Hearings was first proposed by the Paroling Authority itself (under the late former Chairman Marc Oley) the Judiciary expressed skepticism and serious reservations about establishing a victim's right to make a statement at sentencing in court. Indeed when this right was first established by the Legislature a number of judges permitted defense counsel to cross examine victims regarding their statements despite the fact that this type of practice would never have been permitted by a prosecutor when a defendant is making a statement during a sentencing hearing. Fortunately this practice has generally abated but the fact remains that there is a clear consensus among victim advocates that many victims do not feel safe in making a public statement in open court.

A final area of concern is the loss of the extensive assessments and the opportunity to actually observe a convicted felon's interactions with others during their initial incarceration with the Department of Public Safety that is integral to the current process. Substantial resources and expertise are utilized by PSD in the evaluation process leading up to a Minimum Sentence Hearing being held by the HPA. In addition HPA has extensive criteria that are used to evaluate inmates who appear before them. In contrast Courts have little such specificity or actual observations of defendants to guide their sentencing decisions and instead have typically exercised wide latitude in their sentencing practices. While judges may vary widely in their sentencing practices HPA generally follows consistent and well established guidelines in exercising their judgment. This consistency contributes to greater confidence by victims and the general public in the decisions rendered by HPA.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **opposes** the passage of H.B. 1517. Thank you for this opportunity to testify.

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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**LATE**

## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN OPPOSITION OF HOUSE BILL 1517

A BILL FOR AN ACT RELATING TO MINIMUM TERMS OF  
IMPRISONMENT

COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017, 10:00 A.M.

State Capitol, Conference Room 312

Honorable Chair Takayama, Vice-Chair LoPresti, and Members of the Committee on Public Safety, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in opposition of House Bill No. 1517.

This measure requires judges, instead of the Hawai'i Paroling Authority, to determine the minimum term of imprisonment a convicted offender must serve before becoming eligible for parole.

This proposed legislation states that passage of this bill would reduce the burden on victims as they would only have to provide input once. We, however, do not share the belief that this is in fact a burden to victims. To the contrary, most victims who have participated in this part of the process have often expressed a feeling that the Hawai'i Paroling Authority provided them an opportunity to truly be heard.

Oftentimes, sentences are negotiated, and while victim input is certainly considered in the negotiation process, victims often feel separated from a process that is meant to advocate for them. What is determined by the Hawaii Paroling Authority is a somewhat different issue than what is decided at sentencing. Victims may end up having the sentiment that this legislation in fact takes away a right to be heard.

Last term, HCR85 was adopted by the House and Senate to create a task force to study effective incarceration policies to improve Hawaii's correctional system. The task force was convened without any representatives from victim advocacy groups. It would be important before such legislation is considered to hear from the parties who this would affect the most. We are not hearing concern from victims regarding their right to speak at minimum hearings, and do not know where the belief that somehow victims would suffer less trauma by having the decision made by local judges. The impact of this law on victims needs to be addressed by victim advocacy groups or studies by a victim-centered task force.

We have also seen a disparity in sentences from various courts, in particular for cases involving domestic violence and sex assault. Because the Hawai'i Paroling Authority makes decisions on cases from all Circuits, we are likely to see more consistent minimums set from this Board.

The Office of the Prosecuting Attorney, County of Hawai'i opposes the passage of House Bill No. 1517. Thank you for the opportunity to testify on this matter.

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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**TESTIMONY IN OPPOSITION TO HOUSE BILL 1517  
A BILL FOR AN ACT RELATING TO  
MINIMUM TERMS OF IMPRISONMENT**

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

House Committee on Public Safety  
Representative Gregg Takayama, Chair  
Representative Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017; 10:00 AM  
State Capitol, Conference Room 312

Chair Takayama, Vice Chair LoPresti, and Members of the House Committee on Public Safety:

Thank you for providing the Office of the Prosecuting Attorney, County of Kaua'i with the opportunity to testify in OPPOSITION to House Bill 1517 Relating to Minimum Terms of Imprisonment. House Bill 1517 proposes to have minimum terms of imprisonment be set by the courts instead of the Hawaii Paroling Authority.

In 2015, I was appointed to the Committee to Review and Recommend Revisions to the Hawai'i Penal Code (Penal Code Committee) which was established pursuant to HCR 155. Amending the penal code to have the courts instead of the parole board set an inmate's mandatory minimum sentence, was raised but deferred to allow the issue to be studied. Last term, HCR 85 was adopted by the House and Senate to create a task force to study effective incarceration policies to improve Hawai'i's correctional system. The task force was convened without any representatives from victim advocacy groups.

The impact of this law on victims needs to be addressed by the victim advocacy groups or be studied by a victim centered task force.

Thank you for providing the Office of the Prosecuting Attorney, County of Kaua`i with an opportunity to testify in OPPOSITION to House Bill 1517. We respectfully request that your Committee HOLD this Bill.

**lopresti2 - Isabella**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 7:26 PM  
**To:** pbstestimony  
**Cc:** mlopes@hscadv.org  
**Subject:** Submitted testimony for HB1517 on Feb 9, 2017 10:00AM

**LATE**

**HB1517**

Submitted on: 2/8/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marci Lopes	Hawaii State Coalition Against Domestic Violence	Oppose	No

Comments: The Hawaii State Coalition Against Domestic Violence is in STRONGLY opposition to this bill. Experts working with victims need to be part of the discussion when making such important decisions that impact victims across our State. We would prefer first for Hawaii look at best practice models for sentencing guidelines and take the time for needed discussion and planning before moving forward. Thank you for your consideration.

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## **lopresti2 - Isabella**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 3:50 AM  
**To:** pbstestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for HB1517 on Feb 9, 2017 10:00AM

### **HB1517**

Submitted on: 2/6/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We FULLY SUPPORT this bill. We believe that Judges are best suited to determine what minimums a person, whom had just been convicted in its court, should serve. It is the Judges who have seen all the evidence, heard all the testimonies & possess the knowledge as to the crafty lawyering that may have persuaded a jury's decision. It's about time that Hawaii returned the power of trying & sentencing (including minimum terms) to the Judges. The Hawaii Paroling Authority historically have too often been persuaded by prosecutors, victims & their families & well as public sentiment to levy the greatest amount of minimums possible. With the Hawaii Paroling Authority, subjective minimums is the norm, based primarily on sentiments rather than on facts. Judges know the facts & rule accordingly. As someone who has been through the Judicial System & the Parole System, I have first hand experience & knowledge of the workings of both systems. I received EXTENDED TERMS on virtually all my sentences. i.e. 10 years were extended to 20 years & 20 years were extended to Life with the possibility of parole! So, in my experience, Judges are harsh sentencers! In my personal experience, the Hawaii Paroling Authority have made major mistakes when it comes to the DUE PROCESS RIGHTS OF PRISONERS & PAROLEES. While I must confess that currently the HPA is working on improving its past abusive actions. Each new administration, brings in a different set of personalities to run the Hawaii Paroling Authority. There's currently mandatory statutes that the HPA does NOT follow, based upon the bad advice of the Attorney Generals Office. This whimsical practices of the HPA makes it wholly uncertain that justice & fairness can be served by the HPA. Mahalo.

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HAWAII INNOCENCE PROJECT – LAW OFFICES  
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2515 Dole Street, Honolulu, HI 96822  
[hawaiiinnocenceproject@gmail.com](mailto:hawaiiinnocenceproject@gmail.com)

H.B. No. 1517  
Relating to Correctional Facilities  
House of Representatives Committee on Public Safety  
Public Hearing – Thursday, February 9, 2017  
10:00 AM, State Capital, Conference Room 312  
by  
Rep. Gregg Takayama, Chair  
Rep. Matthew S. LoPresti, Vice Chair

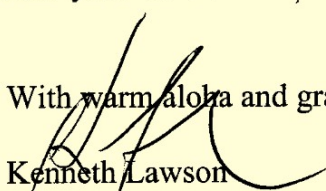
February 7, 2017

H.B. No. 1517 seeks to require a judge, rather than the Hawai'i paroling authority, to determine mandatory minimum sentence a convicted person must serve before being eligible for parole. Hawai'i Innocence Project, as a non-profit legal clinic with the goals of exonerating the wrongfully convicted and reforming the criminal justice system that failed our clients, supports this bill. Based on our Project's missions and goals, we strongly support H.B. No. 1517 and its goal of giving judges the authority in determining minimum sentences.

The Hawai'i Innocence Project supports H.B. No. 1517 in its removal of the Hawai'i paroling authority as a participating party in determining minimum sentencing terms. Hawai'i Innocence Project strongly believes that the trial or sentencing judge is the most reliable person to establish an offender's minimum sentence. The judge has participated in all aspects of case from arraignment to sentencing, and has knowledge of all relevant information about the accused past as well as present case. Based on this knowledge, the judge and not the paroling authority, is in a better position to determine minimum sentences. Due to the Hawai'i paroling authority's lack of full knowledge of the case, may impose a substantially higher minimum sentence than the facts of a case warrants.

Hawai'i Innocence Project strongly believes that the judge and not the paroling authority should set sentencing minimums. We appreciate your time and the opportunity to provide testimony in support of H.B. No. 1517.

With warm aloha and gratitude,



Kenneth Lawson  
Co-Director, Hawai'i Innocence Project  
and Associate Faculty Specialist,  
William S. Richardson School of Law

## Iopresti2 - Isabella

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 11:15 AM  
**To:** pbstestimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB1517 on Feb 9, 2017 10:00AM\*

### **HB1517**

Submitted on: 2/8/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

#### Comments:

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**Iopresti1 - Randy**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 9, 2017 3:19 AM  
**To:** pbstestimony  
**Cc:** Jasmineramos808@yahoo.com  
**Subject:** Submitted testimony for HB1295 on Feb 9, 2017 10:00AM

**HB1295**

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jasmine Ramos	Individual	Support	No

Comments: I support HB1295 because it will significantly reduce crime in Hawaii by reducing recidivism and using the saving of reducing the inmate population with a reinvestment strategy. Although we have a working group on criminal justice, they are set to expire next year so this is a perfect opportunity to have this commission begin in 2018 with members who were not on the first working group. In the end this will reduce recidivism - meaning to reduce crime, save taxpayer costs, save lives, save families from breaking apart, and reduce inmates going back to correctional facilities or prison. This will modernize Hawaii's criminal justice system for the 21st century. For those reasons I stand in strong support of HB1295.

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