

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 629  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 629, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL RELEASE,"

begs leave to report as follows:

The purpose and intent of this measure is to create a medical or compassionate release program for certain ill, disabled, and impaired inmates who pose a low risk to public safety.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Community Alliance on Prisons, Hawai'i Health Harm & Reduction Center, Hawai'i Justice Coalition, Hawai'i Friends of Restorative Justice, and six individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney. Your Committee received comments on this measure from the Hawaii Paroling Authority and Department of Public Safety.

Your Committee finds that an increasing number of men and women are entering prison with serious medical illnesses and many face the risk of developing a serious illness or disability in prison. Concern over how society should deal with the aging and seriously ill prison population has led policy makers in many



states to endorse early release for older and seriously ill prisoners who pose a low risk to public safety.

Your Committee further finds that compassionate release provides physicians and other medical professionals an opportunity to use their unique expertise and knowledge of prognosis, geriatrics, cognitive and functional decline, and palliative medicine to ensure that medical criteria for compassionate release are appropriately evidence-based. Your Committee believes that compassion is an integral part of the aloha spirit.

Your Committee has amended this measure by:

- (1) Requiring that all requests for medical release be made to the Department of Public Safety instead of the Hawaii Paroling Authority; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Judiciary chooses to hear this measure that it consider the following concerns raised by testifiers:

- (1) The Community Alliance on Prisons requests that language allowing an inmate to be considered for medical release if the inmate has a "seriously debilitating and irreversible mental or physical condition" be changed to "debilitating disease or illness"; and
- (2) The Hawaii Paroling Authority has concerns that this measure conflicts with section 706-670, Hawaii Revised Statutes, as it relates to scheduling initial parole release consideration hearings.

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 H.B. No. 629, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 629, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



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

*Clarence K Nishihara*

---

CLARENCE K. NISHIHARA, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>HB 629, HD2</b>	Committee Referral: <b>PSM, JDC/WAM</b>	Date: <b>3/19/19</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye ✓	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes