

STAND. COM. REP. NO. 619 -22

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 2342
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred H.B. No. 2342 entitled:

"A BILL FOR AN ACT RELATING TO PAROLE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Create a good time credit system by which a parolee may reduce the parolee's sentence through compliance with conditions of parole;
- (2) Provide that substance abuse treatment shall not be required of a parolee if a program is not available in the county of the parolee's residence or if the parolee has not been accepted into a program;
- (3) Prohibit incarceration for certain technical violations;
- (4) Provide that a condition of parole that prohibits the possession or use of alcohol or unauthorized drugs may only be imposed if it is reasonably related to the crime for which the parolee was convicted; and
- (5) Provide that a condition of parole that prohibits unnecessary associations may only apply with respect to

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certain persons having a connection to the parolee's underlying crime or the prosecution of the crime.

Your Committee received testimony in support of this measure from the Hawai'i Correctional System Oversight Commission, Office of the Public Defender, American Civil Liberties Union of Hawai'i, Hawai'i Children's Action Network Speaks!, Community Alliance on Prisons, Men of Paa, Hawaii Appleseed Center for Law & Economic Justice, Na Kupuna Moku O Keawe, Our Revolution Hawaii, Kanaka O Puna, and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety, Department of the Attorney General, Hawaii Paroling Authority, City and County of Honolulu Department of the Prosecuting Attorney, and two individuals.

Your Committee finds that existing state laws relating to certain violations of community supervision are resulting in counterproductive, skyrocketing rates of incarceration and severe overcrowding in local jails and prisons. Based on weekly population reports, typically one-fourth of all jail and prison admissions in Hawaii are the result of probation or parole violations of the terms of legal supervision, other than the commission of certain crimes.

Your Committee further finds that incarceration for technical violations of parole is expensive, with the State spending \$219 per day to incarcerate just one person. Research shows that community-based services are a fraction of the cost of incarceration, and that investment in access to employment, housing, social services, and voluntary community-based reentry programs reduces recidivism more effectively than incarceration. Accordingly, this measure seeks to reform parole procedures to reduce the incarcerated population.

Your Committee notes concerns, however, with the breadth of the use of the term "technical violation" in the measure and its application. Your Committee therefore finds that all references to "technical violation" should be removed from the substantive provisions of the measure. As this measure proceeds through the legislative process, your Committee requests that the term "technical violation" garner additional analysis so that a workable definition can be considered and included if appropriate. If the term is included, your Committee further requests that



parole violation hearings, rather than revocations, be considered in the measure.

Your Committee has amended this measure by:

- (1) Deleting provisions relating to a good time credit system;
- (2) Deleting the provision stating that substance abuse treatment shall not be required of a parolee if a program is not available in the county of the parolee's residence or if the parolee has not been accepted into a program;
- (3) Deleting proposed limitations on conditions of parole relating to possession or use of alcohol or unauthorized drugs and prohibited associations;
- (4) Deleting the definition of "technical violation", the prohibition against incarceration for certain technical violations, and all other references to technical violations from the substantive provisions of this measure;
- (5) Requiring the parolee, halfway through the parolee's term of parole, to receive an assessment from the parolee's parole officer and to have the option to submit a request for review and possible early termination of the parole sentence by the paroling authority;
- (6) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2342, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2342, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



