

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE AND
MAKE RECOMMENDATIONS REGARDING EXISTING PROCEDURES OF THE
HAWAII PAROLING AUTHORITY SETTING THE MINIMUM TERMS OF
IMPRISONMENT.

1 WHEREAS, Hawaii is one of thirty-three states that
2 primarily utilizes an indeterminate sentencing system where
3 courts can order a maximum and minimum term, or both, and then
4 actual time served is determined by a parole board; and
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6 WHEREAS, under existing law, the Hawaii Paroling Authority
7 retains the authority to set the minimum term of imprisonment a
8 prisoner must serve before being eligible for parole; and
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10 WHEREAS, this creates a two-step process in which the
11 presiding judge determines the maximum term for a defendant
12 convicted after reviewing the victims' statements, pre-
13 sentencing reports, criminal history, and other factors; and
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15 WHEREAS, the Hawaii Paroling Authority then holds another
16 hearing to determine the minimum term before a defendant is
17 eligible for parole; and
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19 WHEREAS, this two-step process is redundant and time
20 consuming for the Hawaii Paroling Authority who spends
21 approximately thirty percent of its time on the post-conviction
22 minimum sentencing process; and
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24 WHEREAS, of the thirty-three states using an indeterminate
25 sentencing system, Hawaii is the only state that requires a
26 parole board to determine the minimum sentence of imprisonment;
27 now, therefore,
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1 BE IT RESOLVED by the Senate of the Thirty-second
2 Legislature of the State of Hawaii, Regular Session of 2023, the
3 House of Representatives concurring, that the Judiciary is
4 requested to convene a task force to examine and make
5 recommendations regarding existing procedures of the Hawaii
6 Paroling Authority setting the minimum terms of imprisonment to
7 increase efficiency of the procedures; and

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9 BE IT FURTHER RESOLVED that the task force is requested to
10 study whether parole system models utilized by other states
11 might be suited for Hawaii; and

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13 BE IT FURTHER RESOLVED that the task force is requested to
14 examine and compare the minimum sentences issued by the Hawaii
15 Paroling Authority and the courts to determine whether there are
16 significant differences; and

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18 BE IT FURTHER RESOLVED that the task force is requested to
19 recommend whether the administration of justice may be better
20 served by removing the responsibility of setting minimum
21 sentences from the Hawaii Paroling Authority, thereby enabling
22 it to focus on determining and assisting prisoners' fitness for
23 parole and supervision of parolees; and

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25 BE IT FURTHER RESOLVED that the task force is requested to
26 be comprised of the following members:

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28 (1) The Chief Justice of the Hawaii Supreme Court or the
29 Chief Justice's designee, who shall serve as the
30 chairperson of the task force;
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32 (2) The Attorney General or the Attorney General's
33 designee;
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35 (3) The Director of Health or the Director's designee;
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37 (4) The Director of Public Safety or the Director's
38 Designee;
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40 (5) The Chairperson of the Board of Trustees of the Office
41 of Hawaiian Affairs;
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- 1 (6) The Chair of the Hawaii Paroling Authority or the
2 Chair's designee;
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- 4 (7) The Oversight Coordinator of the Hawaii Correctional
5 System Oversight Committee;
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- 7 (8) The Public Defender or the Public Defender's designee;
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- 9 (9) One member of the House of Representatives, as
10 appointed by the Speaker of the House of
11 Representatives;
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- 13 (10) One member of the Senate, as appointed by the
14 President of the Senate;
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- 16 (11) The Prosecuting Attorney, or the Prosecuting
17 Attorney's designee, of each county;
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- 19 (12) Four representatives appointed by the Hawaii
20 Association of Criminal Defense Lawyers, including one
21 representative from each county; and
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- 23 (13) One member of the public who has knowledge and
24 expertise with the criminal justice system appointed
25 by the Director of Public Safety; and
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27 BE IT FURTHER RESOLVED that the Judiciary and Department of
28 Public Safety are requested to provide administrative support to
29 the task force; and

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31 BE IT FURTHER RESOLVED that the task force, with the
32 assistance of the Legislative Reference Bureau, is requested to
33 submit a report of its findings and recommendations, including
34 any proposed legislation, to the Legislature no later than
35 twenty days prior to the convening of the Regular Session of
36 2025; and

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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to the Chief Justice of the
40 Hawaii Supreme Court, Attorney General, Director of Public
41 Safety, Director of Health, Chairperson of the Board of Trustees
42 of the Office of Hawaiian Affairs, Chair of the Hawaii Paroling



1 Authority, Oversight Coordinator of the Hawaii Correctional
2 System Oversight Commission, Public Defender of the State of
3 Hawaii, Prosecuting Attorney of each county; and President of
4 the Hawaii Association of Criminal Defense Lawyers.

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OFFERED BY: _____

Kal R. Rauh

