

MAR 10 2023

SENATE 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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29 BE IT RESOLVED by the Senate of the Thirty-second
30 Legislature of the State of Hawaii, Regular Session of 2023,
31 that the Judiciary is requested to convene a task force to



1 examine and make recommendations regarding existing procedures
2 of the Hawaii Paroling Authority setting the minimum terms of
3 imprisonment to increase efficiency of the procedures; and
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5 BE IT FURTHER RESOLVED that the task force is requested to
6 study whether parole system models utilized by other states
7 might be suited for Hawaii; and
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9 BE IT FURTHER RESOLVED that the task force is requested to
10 examine and compare the minimum sentences issued by the Hawaii
11 Paroling Authority and the courts to determine whether there are
12 significant differences; and
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14 BE IT FURTHER RESOLVED that the task force is requested to
15 recommend whether the administration of justice may be better
16 served by removing the responsibility of setting minimum
17 sentences from the Hawaii Paroling Authority, thereby enabling
18 it to focus on determining and assisting prisoners' fitness for
19 parole and supervision of parolees; and
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21 BE IT FURTHER RESOLVED that the task force is requested to
22 be comprised of the following members:
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24 (1) The Chief Justice of the Hawaii Supreme Court or the
25 Chief Justice's designee, who shall serve as the
26 chairperson of the task force;
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28 (2) The Attorney General or the Attorney General's
29 designee;
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31 (3) The Director of Health or the Director's designee;
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33 (4) The Director of Public Safety or the Director's
34 Designee;
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36 (5) The Chairperson of the Board of Trustees of the Office
37 of Hawaiian Affairs;
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39 (6) The Chair of the Hawaii Paroling Authority or the
40 Chair's designee;
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- 1 (7) The Oversight Coordinator of the Hawaii Correctional
2 System Oversight Committee;
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- 4 (8) The Public Defender or the Public Defender's designee;
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- 6 (9) One member of the House of Representatives, as
7 appointed by the Speaker of the House of
8 Representatives;
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- 10 (10) One member of the Senate, as appointed by the
11 President of the Senate;
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- 13 (11) The Prosecuting Attorney, or the Prosecuting
14 Attorney's designee, of each county;
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- 16 (12) Four representatives appointed by the Hawaii
17 Association of Criminal Defense Lawyers, including one
18 representative from each county; and
- 19
- 20 (13) One member of the public who has knowledge and
21 expertise with the criminal justice system appointed
22 by the Director of Public Safety; and
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24 BE IT FURTHER RESOLVED that the Judiciary and Department of
25 Public Safety are requested to provide administrative support to
26 the task force; and

27

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

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35 BE IT FURTHER RESOLVED that certified copies of this
36 Resolution be transmitted to the Chief Justice of the Hawaii
37 Supreme Court, Attorney General, Director of Public Safety,
38 Director of Health, Chairperson of the Board of Trustees of the
39 Office of Hawaiian Affairs, Chair of the Hawaii Paroling
40 Authority, Oversight Coordinator of the Hawaii Correctional
41 System Oversight Commission, Public Defender of the State of



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1 Hawaii, Prosecuting Attorney of each county; and President of
2 the Hawaii Association of Criminal Defense Lawyers.

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OFFERED BY: Kal Rhoad

