

STAND. COM. REP. NO. **2295**

Honolulu, Hawaii

FEB 13 2024

RE: S.B. No. 2395
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2395 entitled:

"A BILL FOR AN ACT RELATING TO A PROBATION COMPLIANCE CREDITS PROGRAM,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Judiciary to establish a pilot program that implements compliance credits to reduce terms of probation for probationers who meet their terms of supervision; and
- (2) Appropriate funds for the pilot program.

Your Committee received testimony in support of this measure from the Office of the Public Defender, ACLU of Hawai'i, Community Alliance on Prisons, and Opportunity Youth Action Hawai'i.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that a 2014 study by the Council on State Governments Justice Center found that in the State, ninety-five percent of felony probationers receive supervision terms of five years or more. Out of the felony probationers receiving



terms of more than three years, sixty percent are identified as having a low risk of reoffending. Your Committee believes that focusing resources during the initial period of supervision, when an individual is most likely to commit new crimes or violate their conditions of supervision, is an effective practice that maximizes the likelihood of recidivism reduction. Additionally, shortening the length of time spent actively supervising low- and medium-risk probationers and parolees who have complied with their conditions of supervision will allow resources to be focused on individuals who are more likely to reoffend. This measure will preserve scarce resources by reducing unnecessary and unproductive costs associated with probation without diminishing public safety.

Your Committee has amended this measure by:

- (1) Instituting a deadline of October 1, 2024, by which the Judiciary is to establish the four-year Compliance Credits Pilot Program;
- (2) Allowing the Judiciary to start the Pilot Program in one circuit;
- (3) Requiring the Judiciary to expand the Pilot Program to all circuits by October 1, 2026;
- (4) Requiring the Judiciary to collect data on the Pilot Program participants and outcomes of the Pilot Program;
- (5) Requiring the Criminal Justice Research Institute to analyze the data and compare the Pilot Program to other avenues for probationers to seek early termination of their probation;
- (6) Requiring the Judiciary to submit an interim report to the Legislature no later than forty days prior to the convening of the Regular Session of 2027;
- (7) Requiring the Judiciary to submit its final report to the Legislature no later than forty days prior to the convening of the Regular Session of 2029;
- (8) Inserting an appropriation amount of \$300,000; and



- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2395, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2395, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



