

JAN 25 2023

A BILL FOR AN ACT

RELATING TO PERIODIC REVIEWS OF DETAINEES IN COMMUNITY
CORRECTIONAL CENTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 179, Session Laws of Hawaii 2019, enacted
2 bail reform initiatives with the goal of increasing fairness to
3 pretrial detainees by offering greater and continuing
4 opportunities for release prior to trial. Accordingly, section
5 353-6.2, Hawaii Revised Statutes, requires the department of
6 public safety's intake service centers to conduct regular
7 reviews for reconsideration of release of pretrial detainees
8 within ninety days. Section 353-10, Hawaii Revised Statutes,
9 also requires the intake service centers to send to the court
10 the initial bail report within three working days of a
11 detainee's admission to a community correctional center.
12 Between October 2021 and July 2022, the department's intake
13 service centers submitted approximately six thousand initial
14 bail reports to the court and conducted 1,244 regular reviews of
15 the cases of detainees who continued to be detained ninety days
16 after admission. Of the 1,244 cases reviewed during the October
17 2021 to July 2022 period, only ten pretrial detainees met the

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1 criteria to be recommended for pretrial release, and the court
2 only granted release for three out of the ten detainees.

3 These numbers demonstrate the strong validity and
4 reliability of the intake service centers' initial bail reports
5 in providing accurate information to the courts necessary in
6 their decision making for granting pretrial release. The
7 relatively small number of pretrial releases recommended for
8 reconsideration within ninety days and the much smaller number
9 of releases granted by the court are indicative of a process
10 that is labor-intensive but produces minimal results. The
11 department is concerned that the ninety-day reviews detract from
12 the intake service centers' production of the initial bail
13 reports that are due to the court within three days of
14 admission, as well as other duties and responsibilities mandated
15 by statute. The purpose of this bill is to eliminate the
16 requirement for periodic reviews of detainees in community
17 correctional centers by repealing section 353-6.2, Hawaii
18 Revised Statutes.

19 SECTION 2. Section 353-6.2, Hawaii Revised Statutes, is
20 repealed.

21 ~~["§353-6.2] Community correctional centers; periodic~~
22 ~~reviews of pretrial detainees. (a) The relevant community~~

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1 ~~correctional centers, on a periodic basis but no less frequently~~
2 ~~than every three months, shall conduct reviews of pretrial~~
3 ~~detainees to reassess whether a detainee should remain in~~
4 ~~custody or whether new information or a change in circumstances~~
5 ~~warrants reconsideration of a detainee's pretrial release or~~
6 ~~supervision.~~

7 ~~(b) For each review conducted pursuant to subsection (a),~~
8 ~~the relevant community correctional center shall transmit its~~
9 ~~findings and recommendations by correspondence or electronically~~
10 ~~to the appropriate court, prosecuting attorney, and defense~~
11 ~~counsel.~~

12 ~~(c) If a motion to modify bail is filed pursuant to a~~
13 ~~recommendation made pursuant to subsection (b), a hearing shall~~
14 ~~be scheduled at which the court shall consider the motion."]~~

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken.

17 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Wm N. Miller*

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BY REQUEST

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Report Title:

Community Correctional Centers; Pretrial Detainees; Repeal

Description:

Repeals section 353-6.2, Hawaii Revised Statutes, enacted as part of Act 179, Session Laws of Hawaii 2019, to delete the requirement for the Department of Public Safety to reassess pretrial detainees on a regular basis for reconsideration of pretrial release.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: PUBLIC SAFETY

TITLE: A BILL FOR AN ACT RELATING TO PERIODIC
REVIEWS OF DETAINEES IN COMMUNITY
CORRECTIONAL CENTERS.

PURPOSE: To repeal Section 353-6.2, Hawaii Revised
Statutes (HRS), enacted as a part of Act
179, Session Laws of Hawaii 2019, to delete
the requirement for the Department of Public
Safety to regularly reassess pretrial
detainees for reconsideration of pretrial
release.

MEANS: Repeal section 353-6.2, HRS

JUSTIFICATION: Section 353-6.2, HRS, requires the
department's Intake Service Centers (ISC) to
conduct regular reviews for reconsideration
of pretrial release of pretrial detainees
within ninety days. The reviews take a
substantial amount of work time for the ISC
staff on all islands, who are already
required by statute to return the initial
bail reports to the courts within three
working days of admission of detainees to
PSD facilities. Between October 2021 and
July 2022, 1,244 reviews were conducted,
with ten recommendations made for
reconsideration of pretrial release in lieu
of bail. Of the ten recommended by the
department for reconsideration during this
period, only three were granted release by
the courts. These statistics show the high
level of validity of the initial ISC bail
reports, and the department is concerned
that the ninety-day reviews could take away
from the level of quality of the higher
priority bail reports relied upon by the
courts.

Impact on the public: The bill would ensure
that other statutory obligations under

section 353-10 are performed effectively and in a timely manner, contributing to the efficiency in the functioning of the judicial system.

Impact on the department and other agencies:
Repeal of the regular review requirement will prevent delays in the department's fulfillment of other statutory obligations under section 353-10 and enable a more effective delivery of services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 410.

OTHER AFFECTED
AGENCIES: The Judiciary, Office of the Public Defender, and the Prosecutors' Offices.

EFFECTIVE DATE: Upon approval.