
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 corrections and rehabilitation's intake service centers to
7 conduct regular reviews for reconsideration of release of
8 pretrial detainees within ninety days. Section 353-10, Hawaii
9 Revised Statutes, also requires the intake service centers to
10 send to the court the initial bail report within three working
11 days of a detainee's admission to a community correctional
12 center. Between October 2021 and July 2022, the department's
13 intake service centers submitted approximately six thousand
14 initial bail reports to the court and conducted 1,244 regular
15 reviews of the cases of detainees who continued to be detained
16 ninety days after admission. Of the 1,244 cases reviewed during



1 the October 2021 to July 2022 period, only ten pretrial
2 detainees met the criteria to be recommended for pretrial
3 release, and the court only granted release for three out of the
4 ten detainees.

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

18 The purpose of this Act is to extend the time limit for
19 periodic reviews of pretrial detainees in community correctional
20 centers from three months to six months.



1 SECTION 2. Section 353-6.2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The relevant community correctional centers, on a
4 periodic basis but [~~no~~] not less frequently than every [~~three~~]
5 six months, shall conduct reviews of pretrial detainees to
6 reassess whether a detainee should remain in custody or whether
7 new information or a change in circumstances warrants
8 reconsideration of a detainee's pretrial release or
9 supervision."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

Community Correctional Centers; Pretrial Detainees

Description:

Extends the Department of Corrections and Rehabilitation's period of time to reassess pretrial detainees on a regular basis for reconsideration of pretrial release. (SD1)

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