

EXECUTIVE CHAMBERS

HONOLULU

JUNE 20, 2002

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STATEMENT OF OBJECTIONS TO SENATE BILL NO. 859

Honorable Members
Twenty-First Legislature
State of Hawaii


Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 859, entitled, "A Bill for an Act Relating to Parole."

The purpose of the bill is to establish an earned-time program for eligible inmates that will allow them to reduce their minimum terms of imprisonment set by the Hawaii Paroling Authority by up to twenty-five percent. However, the bill is unnecessary because the Hawaii Paroling Authority already has the authority to reduce minimum terms of imprisonment for inmates who have demonstrated progress in rehabilitation.

Furthermore, under this bill, eligible inmates will have a liberty interest in earned-time credits protected by the Due Process Clause of the United States Constitution and considerable litigation over each inmate's minimum term of imprisonment is foreseeable. Nevertheless, this bill does not appropriate any money to handle this additional litigation burden or the considerable logistical and financial problems in setting up and implementing the earned-time credit program. Finally, this bill does not provide any consideration for the person's criminal history, the crime committed, or the impact on the victim and the victim's family.

For the foregoing reasons, I am returning Senate Bill No. 859 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii

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P R O C L A M A T I O N

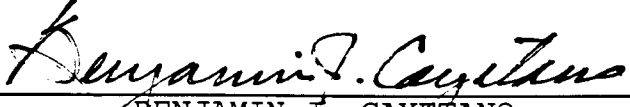
WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 859, entitled "A Bill for an Act Relating to Parole," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 859 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 859 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 20
day of June, 2002.


BENJAMIN J. CAYETANO
Governor of Hawaii