

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. The legislature finds that many correctional
2 jurisdictions in the United States use an incentive system that
3 rewards inmates for positive behavior. The earned-time credit
4 system was first implemented in the eighteenth century to
5 relieve overcrowding, reward inmates who have no behavioral
6 infractions, and encourage participation in inmate
7 rehabilitation programs, such as education and vocational
8 training.

9 The purpose of this Act is to establish a system of earned-
10 time that allows inmates in Hawaii or in contracted correctional
11 facilities on the mainland to earn credit toward their minimum
12 time of imprisonment.

13 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§353- Earned-time program. (a) There is established
17 the earned-time program to be administered by the department.



1 Under this program, a committed person shall be eligible for
2 parole before the expiration of the person's minimum term set by
3 the Hawaii paroling authority upon demonstrating progress toward
4 rehabilitation in each of the following categories to the extent
5 that the services listed in the following categories are
6 available at the committed person's correctional facility:

7 (1) Work, vocational, or occupational training and skills,
8 including consideration of factors such as attendance,
9 promptness, performance, cooperation, care of
10 materials, and safety;

11 (2) Social adjustment, including skills such as group
12 living, housekeeping, personal hygiene, and
13 cooperation;

14 (3) Counseling sessions and self-help groups;

15 (4) Therapeutic and other similar departmental programs;
16 and

17 (5) Education or literacy programs.

18 (b) The following committed persons shall not be eligible
19 for the earned-time program:

20 (1) A person serving a mandatory minimum, until the
21 person's mandatory minimum has been served;



1 (2) A person serving a term of life imprisonment without
2 the possibility of parole; and

3 (3) A person serving a sentence for a class A felony.

4 (c) A committed person who is:

5 (1) Demonstrating progress as required under subsection
6 (a); and

7 (2) Certified by the person's case manager according to
8 departmental procedure,

9 shall earn credits under the program. Each month served
10 according to the requirements of the earned-time program shall
11 be equal to ten days for each month, and shall apply prorated
12 for any portion of a month served in accordance with program
13 requirements.

14 (d) The department shall review the performance of each
15 person committed to the custody of the director, including a
16 review certified records of the person's performance in the
17 earned-time program and, consistent with this section and
18 procedures and standards under subsection (e), may grant,
19 withhold, withdraw, or restore, an earned-time deduction from
20 the person's minimum term of imprisonment set by the Hawaii
21 paroling authority. The review shall be conducted annually
22 while the person is incarcerated and an earned-time deduction



1 shall vest upon being granted. If the annual review changes the
2 amount of earned-time vested for the person committed, the
3 director shall promptly notify the crime victim, if any, of the
4 person's adjusted minimum term completion date.

5 (e) The department shall develop, establish, and implement
6 the following standards and procedures for the earned-time
7 program:

8 (1) Objective standards for measuring progress in each of
9 the categories in subsection (a);

10 (2) Procedures for evaluating, recording, and certifying
11 progress under the earned-time program; and

12 (3) Procedures for awarding earned-time deductions and
13 recording and applying days earned under the
14 earned-time program.

15 (f) The following information about the earned-time
16 program shall be made available in writing to all eligible
17 committed persons upon request, and shall be conspicuously
18 posted in an area of the correctional facility accessible for
19 review by committed persons:

20 (1) Departmental standards and procedures for the
21 earned-time program; and

22 (2) Equivalencies between:



1 (A) Days served in accordance with earned-time
2 program requirements and credits earned; and

3 (B) Credits earned and days earned.

4 (g) Notwithstanding any other law, earned-time shall not
5 reduce the minimum term of any committed person by a period of
6 time that is more than twenty-five per cent of the person's
7 minimum term."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2008-2009 for the
11 department of public safety to establish and operate the earned-
12 time program.

13 The sum appropriated shall be expended by the department of
14 public safety for the purposes of this Act.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2008.

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Report Title:

Earned-Time; Parole; Early Parole Eligibility

Description:

Establishes an earned-time program that provides incentives for inmate rehabilitation by allowing inmates to become eligible for parole when they make consistent progress in completing programs while incarcerated. Appropriates funds.

