WHEREAS, by the end of 2006, there were approximately 2,400,000 prisoners in correctional facilities across the United States, and 4,200,000 on probation; and

WHEREAS, many probationers often fail to show up for scheduled appointments with their probation officers and decline to take mandatory drug tests or test positive for illegal drug use; and

WHEREAS, studies show that as many as half of all probationers go on to break the law again; and

WHEREAS, in 2004, the Circuit Court of the First Circuit launched a probation modification project, also known as Hawaii's Opportunity Probation with Enforcement, or HOPE; and

WHEREAS, under conventional probation systems, probationers often commit numerous probation violations, such as failing to appear for appointments with their probation officer or failing a drug test; and

WHEREAS, these violations typically go unpunished for months or years, until the number of violations accumulate to the point that the probationer faces severe consequences, including revocation of probation and being sentenced to a long prison term; and

WHEREAS, under the HOPE program, sanctions are imposed for each probation violation; and

WHEREAS, while these sanctions may be relatively minor, often only a few days in jail, they are imposed immediately rather than months or years after the violation; and
WHEREAS, in a one-year, randomized controlled trial comparing HOPE probationers to probationers in a control group, HOPE probationers were fifty-five per cent less likely to be arrested for a new crime, seventy-two per cent less likely to use drugs, sixty-one per cent less likely to skip appointments with their supervisory officer, and fifty-three per cent less likely to have their probation revoked; and

WHEREAS, as a result of their improved progress, the HOPE probationers involved in the controlled trial served or were sentenced to, on average, forty-eight per cent fewer days of incarceration than probationers in the control group; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the Hawaii Paroling Authority is requested to establish a two-year pilot project similar to the Judiciary's probation modification project, Hawaii's Opportunity Probation with Enforcement, or HOPE; and

BE IT FURTHER RESOLVED that the Legislature requests that the two-year pilot parole modification project consist of no more than thirty parolees who are considered to be at high risk of violating the conditions of their parole; and

BE IT FURTHER RESOLVED that the Legislature requests that the parole modification program:

(1) Provide formal warning to the parolees, in a hearing before the Hawaii Paroling Authority, that violation of the conditions of parole shall have consequences;

(2) Require the parolees to submit to weekly randomized drug testing;

(3) Order the arrest of parolees who test positive for illegal drug use;

(4) Order the arrest of parolees who miss a scheduled appointment with their parole officer, fail to appear for a required drug test, or otherwise violate the conditions of their parole;
(5) Impose sanctions on parolees who violate the conditions of their parole; and

(6) Ensure that parolees in need of drug treatment, mental health therapy, or other social services shall receive the needed treatment; and

BE IT FURTHER RESOLVED that the Legislature requests that:

(1) Parolees involved in the parole modification program be made aware of the sanctions that will be imposed for violating the conditions of their parole;

(2) Sanctions be imposed within a short period of time from the occurrence of the violation; and

(3) Sanctions include the modification of the terms of parole to include short terms of incarceration, which may be increased if a parolee continues to violate the conditions of parole; and

BE IT FURTHER RESOLVED that the Hawaii Paroling Authority is requested to submit a preliminary report to the Legislature, not later than December 1, 2011, and a final report not later than December 1, 2012, on:

(1) The progress of the pilot project;

(2) Cost analysis and an accounting of expenses;

(3) Relevant data on program participants;

(4) Program and management evaluations; and

(5) Any other pertinent information, recommendations, or proposed legislation, if any, to determine whether the program should be continued; and

BE IT FURTHER RESOLVED that a certified copy of this
Resolution be transmitted to the Chairperson of the Hawaii Paroling Authority.

OFFERED BY: ____________________________

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