
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 PART I

2 SECTION 1. In June 2011, the governor, chief justice,
3 senate president, house speaker, and director of public safety
4 joined together to begin developing a data-driven justice
5 reinvestment strategy to bring out-of-state prisoners back to
6 Hawaii, reduce spending on corrections, and reinvest savings
7 generated in strategies that would reduce recidivism and crime
8 and increase public safety. To this end, they sought assistance
9 from the Bureau of Justice Assistance, a division of the United
10 States Department of Justice, and the Pew Center on the States.
11 The state leaders established a bipartisan, inter-branch justice
12 reinvestment working group comprising leading state and local
13 officials to receive intensive technical assistance from the
14 Council of State Governments Justice Center. The Council of
15 State Governments Justice Center assisted the working group in
16 analyzing data from every aspect of Hawaii's criminal justice
17 and corrections systems.



1 The analysis revealed that crime and victimization rates
2 have declined, as have arrests and felony convictions for
3 violent and property crimes. However, the population under
4 probation supervision and incarceration has not declined, and in
5 some cases has increased. From fiscal year 2000 to fiscal year
6 2011, the State's prison and jail population grew eighteen per
7 cent, from 5,118 inmates to 6,043 inmates. Expenditures for the
8 corrections division of the department of public safety
9 increased seventy per cent from \$112,000,000 in fiscal year 2000
10 to \$190,000,000 in fiscal year 2011. Approximately one-third of
11 Hawaii's incarcerated population is housed in out-of-state
12 facilities. The cost of housing out-of-state offenders was
13 \$45,000,000 in fiscal year 2011.

14 The analysis of the data from Hawaii's criminal justice and
15 corrections systems identified three areas for improvement:
16 pretrial process, parole, and payment of restitution. The
17 purpose of this Act is to address those areas to reduce costly
18 inefficiencies, hold offenders more accountable, and reinvest
19 savings in more effective public safety strategies. This Act
20 establishes a statutory structure to improve the criminal
21 justice system, relying on the department of public safety,



1 Hawaii paroling authority, and adult probation services to
2 effectively implement changes to policies and practices.

3 The implementation of these changes to address the target
4 areas is expected to gradually reduce the current incarcerated
5 population and generate savings of approximately five hundred
6 beds and \$9,000,000 by the end of fiscal year 2013, eight
7 hundred fifty beds and \$19,000,000 in fiscal year 2014, and one
8 thousand fifty beds and \$26,000,000 in fiscal year 2015.
9 Realizing these savings will require initial and continued
10 reinvestment in expanding and strengthening victim services,
11 notification, and restitution collection; reentry and community-
12 based treatment programs for pre-trial, probation, and parole
13 populations; pretrial and risk assessments; probation and parole
14 officers; and research and planning staff in the department of
15 public safety.

16 This Act will improve the State's criminal justice system
17 and increase public safety by focusing on incarceration,
18 supervision, and treatment in a manner that most efficiently
19 addresses the recidivism rate, thereby increasing public safety.



1 PART II

2 SECTION 2. The pretrial population has increased due to
3 longer lengths of stay. The purpose of this part is to require
4 that an objective assessment be conducted within the first three
5 working days of a person's commitment to a community
6 correctional center to allow the courts to more quickly
7 determine who is appropriate for release on their own
8 recognizance, to supervision, or to bail.

9 SECTION 3. Section 353-10, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§353-10 Reentry intake service centers. (a) There shall
12 be within the department of public safety, a reentry intake
13 service center for adults in each of the counties[7] to screen,
14 evaluate, and classify the admission of persons to community
15 correctional centers and to provide for the successful reentry
16 of persons back into the community. Each center shall be
17 directed and managed by a manager and shall be staffed by a team
18 of psychiatrists, social workers, technicians, and other
19 personnel as may be necessary. The director of public safety
20 may appoint full-time or part-time professional and clerical
21 staff or contract for professional services to carry out the
22 duties of the centers as identified in this section.



1 (b) The centers shall:

2 (1) Provide orientation, guidance, and technical services;

3 (2) Provide social-medical-psychiatric-psychological
4 diagnostic evaluation;

5 (3) Provide pretrial risk assessments on adult offenders
6 for the courts [~~and assist~~] within three working days
7 of admission to a community correctional center;
8 provided that this paragraph shall not apply to
9 persons subject to county or state detainers or holds,
10 persons detained without bail, persons detained for
11 probation violation, persons facing revocation of bail
12 or supervised release, and persons who have had a
13 pretrial risk assessment completed prior to admission
14 to a community correctional center. For purposes of
15 this paragraph, "pretrial risk assessment" means an
16 objective, research-based, validated assessment tool
17 that measures a defendant's risk of flight and risk of
18 criminal conduct while on pretrial release pending
19 adjudication;

20 (4) Assist in the conduct of presentence assessments on
21 adult offenders and the preparation of presentence
22 reports when requested by the courts;



- 1 ~~[(4)]~~ (5) Provide correctional prescription program
2 planning and security classification;
- 3 ~~[(5)]~~ (6) Provide ~~[such]~~ other personal and correctional
4 services as needed for both detained and committed
5 persons;
- 6 ~~[(6)]~~ (7) Monitor and record the progress of persons
7 assigned to correctional facilities who undergo
8 further treatment or who participate in prescribed
9 correctional programs;
- 10 ~~[(7)]~~ (8) Ensure that the present and future reentry needs
11 of persons committed to correctional facilities are
12 being evaluated and met in an effective and
13 appropriate manner;
- 14 ~~[(8)]~~ (9) Provide additional reentry services to include
15 working closely and collaborating with the furlough
16 programs in each county that are currently managed by
17 the department's institutions division;
- 18 ~~[(9)]~~ (10) Work closely and collaborate with the Hawaii
19 paroling authority; and
- 20 ~~[(10)]~~ (11) Work closely and collaborate with the
21 corrections program services division."



1 PART III

2 SECTION 4. The number of prisoners denied parole has
3 increased. The purpose of this part is to: increase the number
4 of members of the Hawaii paroling authority; require the Hawaii
5 paroling authority to use an objective risk assessment to
6 determine the programs that offenders shall be required to
7 complete prior to release in order to focus resources on the
8 offenders most likely to benefit from programming and
9 supervision; and reduce recidivism by using swift and certain,
10 yet less costly and severe, responses to parole condition
11 violations.

12 SECTION 5. Section 353-61, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§353-61 Hawaii paroling authority; appointment; tenure;
15 qualifications. (a) Members of the paroling authority shall be
16 nominated by a panel composed of the chief justice of the Hawaii
17 supreme court, the director, the president of the bar
18 association of Hawaii, a representative designated by the head
19 of the Interfaith Alliance Hawaii, a member from the general
20 public to be appointed by the governor, and the president of the
21 Hawaii chapter of the National Association of Social Workers.
22 The panel shall submit to the governor the names of not less



1 than three persons, designated as the nominees, for chairperson
2 or as a member, for each vacancy. The requirement for
3 nomination by the panel established under this section shall
4 only apply to a nominee's nomination by the governor to an
5 initial term on the paroling authority and not to any subsequent
6 consecutive term of a sitting paroling authority member or
7 chairperson whose initial appointment to office was made
8 pursuant to a nomination by the panel.

9 (b) The governor shall appoint, in the manner
10 prescribed by section 26-34, a paroling authority to be known as
11 the Hawaii paroling authority, to consist of ~~three~~ five
12 members, one of whom shall be designated chairperson.
13 Appointments shall be made for terms of four years, commencing
14 from the date of expiration of the last preceding term. Any
15 vacancy in an unexpired term shall be filled by appointment for
16 the remainder of the unexpired term. Nominees to the
17 authority shall be selected on the basis of their qualifications
18 to make decisions that will be compatible with the welfare of
19 the community and of individual offenders, including their
20 background and ability for appraisal of offenders and the
21 circumstances under which offenses were committed."



1 SECTION 6. Section 353-63, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§353-63 Service of Hawaii paroling authority members;
4 compensation; expenses. The chairperson of the Hawaii paroling
5 authority shall serve on a full-time basis. The other [~~two~~]
6 four members shall serve on a part-time basis. Effective July
7 1, 2005, the chairperson of the Hawaii paroling authority shall
8 be paid a salary set at eighty-seven per cent of the salary of
9 the director of public safety. The compensation of each of the
10 part-time members shall be eighty per cent of the hourly wage
11 paid the chairperson. For each hour engaged in the official
12 duties of the authority, each part-time member of the authority
13 shall be paid an hourly wage at the percentage rate specified in
14 this section based on the hourly wage paid the chairperson;
15 provided that compensation shall not exceed eighty per cent of
16 the total regular working hours in a month; provided further
17 that part-time members shall not be entitled to any vacation,
18 sick leave, or other benefits except as provided in this
19 section. All paroling authority members shall receive their
20 necessary expenses for travel and incidentals [~~which~~] that shall
21 be paid from appropriations provided the authority for such



1 purposes, on vouchers approved by the director of public
2 safety."

3 SECTION 7. Section 353-66, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

5 "(e) Any paroled prisoner retaken and reimprisoned as
6 provided in this chapter shall be confined according to the
7 paroled prisoner's sentence for that portion of the paroled
8 prisoner's term remaining unserved at time of parole, but
9 successive paroles may, in the discretion of the paroling
10 authority, be granted to the prisoner during the life and in
11 respect of the sentence. If the paroled prisoner is retaken and
12 reimprisoned for violating a condition of parole but has not:

- 13 (1) Been charged with a new felony offense;
14 (2) Absconded or left the State without permission from
15 the paroling authority;
16 (3) Violated conditions applicable to sex offenders, such
17 as registering as a sex offender or conditions related
18 to proximity to specified locations or persons; or
19 (4) Been previously reimprisoned for violating the
20 conditions of parole on the current offense,

21 the paroled prisoner shall be confined for no more than six
22 months or for that portion of the paroled prisoner's term



1 remaining unserved at the time of parole, whichever is shorter,
2 unless it is determined by the paroling authority that the
3 prisoner constitutes a significant risk to the safety of others
4 or the prisoner's self that can only be mitigated by additional
5 incarceration. The six month period of confinement shall not
6 start until the paroling authority has revoked the parole of the
7 prisoner. The prisoner shall not be given credit for time
8 served in custody pending a hearing on revocation of parole as
9 it relates to the six month parole revocation, but shall receive
10 credit toward the expiration of the prisoner's maximum sentence
11 or sentences. No prisoner shall be incarcerated beyond the
12 expiration of the prisoner's maximum term of imprisonment."

13 SECTION 8. Section 706-670, Hawaii Revised Statutes, is
14 amended by amending subsection (1) to read as follows:

15 "(1) Parole hearing. A person sentenced to an
16 indeterminate term of imprisonment shall receive an initial
17 parole hearing at least one month before the expiration of the
18 minimum term of imprisonment determined by the Hawaii paroling
19 authority pursuant to section 706-669. If the person has been
20 sentenced to multiple terms of imprisonment, the parole hearing
21 shall not be required until at least one month before the
22 expiration of the minimum term that expires last in time. A



1 validated risk assessment shall be used to determine the
2 person's risk of re-offense and suitability for community
3 supervision.

4 For purposes of this subsection, "validated risk
5 assessment" means an actuarial tool scientifically proven to
6 determine a person's likelihood of engaging in future criminal
7 behavior. The department of public safety shall select a
8 research based risk assessment tool and shall validate the
9 accuracy of the risk assessment tool at least every three years.
10 A person who is assessed as low risk for re-offending shall be
11 granted parole upon completing the minimum sentence, unless the
12 person:

- 13 (a) Is found to have committed misconduct while in prison
14 that is equivalent to a misdemeanor or felony crime
15 within two years of the expiration of the minimum term
16 of imprisonment;
- 17 (b) Has any pending felony charges in the State;
- 18 (c) Is incarcerated for a sexual offense under part V of
19 chapter 707 or child abuse under part VI of chapter
20 707 and has not successfully completed a sex offender
21 treatment program; or



1 (d) Is determined by the paroling authority to currently
2 constitute a significant risk to the safety or
3 property of other persons that can only be mitigated
4 by additional incarceration.

5 If parole is not granted at [~~that time,~~] the initial parole
6 hearing, additional hearings shall be held at twelve-month
7 intervals or less until parole is granted or the maximum period
8 of imprisonment expires. The State shall have the right to be
9 represented at the initial parole hearing and all subsequent
10 parole hearings by the prosecuting attorney, who may present
11 written testimony and make oral comments [~~and the~~]. The
12 authority shall consider the testimony and comments in reaching
13 its decision. The authority shall notify the appropriate
14 prosecuting attorney of the hearing at the time the prisoner is
15 given notice of the hearing."

16 PART IV

17 SECTION 9. The purpose of this part is to ensure
18 accountability for victims and offenders by improving the
19 collection of restitution by the department of public safety and
20 ensuring that all felony offenders are supervised for a minimum
21 period of time after their release from incarceration.



1 SECTION 10. Section 353-22.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§353-22.6 Victim restitution. The director of public
4 safety shall enforce victim restitution orders against all
5 moneys earned, deposited, or credited to an inmate's individual
6 account by the [~~prisoner~~] inmate while incarcerated. The amount
7 deducted [~~and paid once annually to the victim~~] shall be [~~ten~~]
8 twenty-five per cent of the [~~prisoner's annual earnings.~~] total
9 of all moneys earned, new deposits, and credits to the inmate's
10 individual account. The moneys shall be deducted monthly and
11 paid to the victim once the amount reaches \$25, or annually,
12 whichever is sooner. This section shall not apply to moneys
13 earned on work furlough pursuant to section 353-17."

14 SECTION 11. Section 353-69, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§353-69 Parole when. [~~No~~] Except as provided in section
17 706-670, no parole shall be granted unless it appears to the
18 Hawaii paroling authority that there is a reasonable probability
19 that the prisoner concerned will live and remain at liberty
20 without violating the law and that the prisoner's release is not
21 incompatible with the welfare and safety of society."



1 SECTION 12. Section 706-670, Hawaii Revised Statutes, is
2 amended by amending subsection (5) to read as follows:

3 " (5) ~~[Release upon expiration of maximum term. If the~~
4 ~~authority fixes no earlier release date, a prisoner's release~~
5 ~~shall become mandatory at the expiration of the prisoner's~~
6 ~~maximum term of imprisonment.] Supervised parole release prior~~
7 to the expiration of the maximum term. Notwithstanding section
8 706-606.5 (1)(c), if the Hawaii paroling authority fixes no
9 earlier release date or has not released a prisoner upon
10 completion of a set minimum term, a prisoner shall be released
11 on parole based on the longest term of imprisonment, unless it
12 is determined by the authority that the prisoner constitutes a
13 significant risk to the safety of others or the prisoner's self
14 that can only be mitigated by additional incarceration, as
15 follows:

- 16 (a) For a class A felony - eighteen months prior to the
17 expiration of the maximum term;
18 (b) For a class B felony - twelve months prior to the
19 expiration of the maximum term; and
20 (c) For a class C felony - six months prior to the
21 expiration of the maximum term.



1 No prisoner shall be incarcerated beyond the expiration of the
2 prisoner's maximum term of imprisonment."

3 PART V

4 SECTION 13. (a) Savings realized by reducing the
5 incarcerated population shall be reinvested within the criminal
6 justice system to protect public safety through the proper
7 supervision of offenders in the community, adequate community-
8 based programs and services to reduce the incidence of
9 recidivism, victim services to promote restorative justice, and
10 professional support to realize the goals of the justice
11 reinvestment initiative.

12 (b) Funds saved through reducing the incarcerated
13 population shall be reinvested in staffing programs to achieve
14 the goals of the justice reinvestment initiative based on the
15 following guidelines:

16 (1) A ratio of one human services professional (intake
17 worker) per one hundred pretrial offender risk
18 assessments, bail reports, and facility intakes per
19 month;

20 (2) A ratio of one human services professional (facility
21 case manager) per one hundred risk assessments of
22 incarcerated sentenced felons per month;



- 1 (3) A ratio of one human services professional (parole
- 2 officer) per caseload of fifty supervised parolees;
- 3 (4) A ratio of one human services professional (probation
- 4 officer) per twenty-five probationers participating in
- 5 outpatient treatment for substance abuse;
- 6 (5) A ratio of one crime victim compensation restitution
- 7 specialist per eight hundred victim restitution cases
- 8 per year;
- 9 (6) A ratio of one victim assistance or witness counselor
- 10 per one hundred fifty victims per year for the city
- 11 and county of Honolulu;
- 12 (7) A ratio of one victim assistance or witness counselor
- 13 per one hundred fifty victims per year for the county
- 14 of Maui;
- 15 (8) A ratio of one victim assistance or witness counselor
- 16 per one hundred fifty victims per year for the county
- 17 of Hawaii;
- 18 (9) A ratio of one corrections program specialist per
- 19 three hundred sentenced felons released to community
- 20 supervision per year to provide victim notification
- 21 and safety planning services; and



1 (10) Two additional part-time members of the Hawaii
2 paroling authority to increase the number of parole
3 hearings scheduled per year.

4 SECTION 14. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2012-2013, for
7 the following purposes:

8 (1) \$ for six full-time equivalent (6.00 FTE)
9 permanent human services professional IV positions for
10 pretrial assessments and intake service centers
11 (PSD410);

12 (2) \$ for one full-time equivalent (1.00 FTE)
13 permanent planner VI position in the research and
14 planning office for general administration (PSD900);

15 (3) \$ for two full-time equivalent (2.00 FTE)
16 permanent planner V positions in the research and
17 planning office for general administration (PSD900);

18 (4) \$ for one full-time equivalent (1.00 FTE)
19 permanent research statistician V position in the
20 research and planning office for general
21 administration (PSD900);



- 1 (5) \$ for one full-time equivalent (1.00 FTE)
2 permanent program specialist II position in the
3 research and planning office for general
4 administration (PSD900);
- 5 (6) \$ for two full-time equivalent (2.00 FTE)
6 permanent office assistant positions in the research
7 and planning office for general administration
8 (PSD900);
- 9 (7) \$ for one full-time equivalent (1.00 FTE)
10 permanent CIP coordinator position in the research and
11 planning office for general administration (PSD900);
- 12 (8) \$ for one full-time equivalent (1.00 FTE)
13 permanent program manager position in the reentry
14 office for program training and oversight (PSD900);
- 15 (9) \$ for four full-time equivalent (4.00 FTE)
16 permanent program specialist positions in the reentry
17 office for program training and oversight (PSD900);
- 18 (10) \$ for two full-time equivalent (2.00 FTE)
19 permanent office assistant positions in the reentry
20 office for program training and oversight (PSD900);



- 1 (11) \$ for one full-time equivalent (1.00 FTE)
2 permanent corrections supervisor I position for risk
3 assessment (PSD900);
- 4 (12) \$ for five full-time equivalent (5.00 FTE)
5 permanent human services professional IV positions for
6 risk assessment (PSD900);
- 7 (13) \$ for two full-time equivalent (2.00 FTE)
8 permanent office assistant III positions for risk
9 assessment (PSD900);
- 10 (14) \$ for two part-time Hawaii paroling authority
11 member positions (PSD611);
- 12 (15) \$ for one full-time equivalent (1.00 FTE)
13 permanent parole officer VI position (PSD612);
- 14 (16) \$ for one full-time equivalent (1.00 FTE)
15 permanent parole officer V position (PSD612);
- 16 (17) \$ for five full-time equivalent (5.00 FTE)
17 permanent parole officer IV positions (PSD612);
- 18 (18) \$ for one full-time equivalent (1.00 FTE)
19 permanent parole officer III position (PSD612);
- 20 (19) \$ for one full-time equivalent (1.00 FTE)
21 permanent parole officer II position (PSD612);



- 1 (20) \$ for one full-time equivalent (1.00 FTE)
2 permanent secretary I position (PSD612);
- 3 (21) \$ for one full-time equivalent (1.00 FTE)
4 permanent office assistant position (PSD612);
- 5 (22) \$ for four full-time equivalent (4.00 FTE)
6 permanent social worker IV positions to provide in-
7 house programming in judiciary probation drug
8 treatment and cognitive behavioral therapy staff and
9 training;
- 10 (23) \$ for two full-time equivalent (2.00 FTE)
11 permanent trainers to train in-house program staff and
12 probation staff in judiciary probation drug treatment
13 and cognitive behavioral therapy;
- 14 (24) \$ for one full-time equivalent (1.00 FTE)
15 permanent project coordinator position on the crime
16 victim compensation commission (PSD613);
- 17 (25) \$ for one full-time equivalent (1.00 FTE)
18 permanent recovery coordinator position on the crime
19 victim compensation commission (PSD613);
- 20 (26) \$ for three full-time equivalent (3.00 FTE)
21 permanent restitution specialist positions on the
22 crime victim compensation commission (PSD613);



- 1 (27) \$ for one full-time equivalent (1.00 FTE)
2 permanent program supervisor position in victim
3 notification, services, and safety planning (PSD900);
- 4 (28) \$ for three full-time equivalent (3.00 FTE)
5 permanent program specialist positions in victim
6 notification, services, and safety planning (PSD900);
- 7 (29) \$ for one full-time equivalent (1.00 FTE)
8 permanent victim assistance counselor I (Kona)
9 position for victim assistance on the island of
10 Hawaii;
- 11 (30) \$ for one full-time equivalent (1.00 FTE)
12 permanent victim assistance counselor I (Hilo)
13 position for victim assistance on the island of
14 Hawaii;
- 15 (31) \$ for one full-time equivalent (1.00 FTE)
16 permanent legal clerk I (Hilo) position for victim
17 assistance on the island of Hawaii;
- 18 (32) \$ for one full-time equivalent (1.00 FTE)
19 permanent legal clerk I (Kona) position for victim
20 assistance on the island of Hawaii;



1 (33) \$ for one full-time equivalent (1.00 FTE)
2 permanent victim assistance (Hilo) position for victim
3 assistance on the island of Hawaii;
4 (34) \$ for one full-time equivalent (1.00 FTE)
5 permanent victim assistance (Kona) position for victim
6 assistance on the island of Hawaii;
7 (35) \$ for two full-time equivalent (2.00 FTE)
8 permanent victim witness counselor I positions for
9 victim assistance on the island of Maui;
10 (36) \$ for four full-time equivalent (4.00 FTE)
11 permanent victim witness counselor II positions for
12 victim assistance on the island of Oahu; and
13 (37) \$ for two full-time equivalent (2.00 FTE)
14 permanent legal clerk positions for victim assistance
15 on the island of Oahu;
16 provided that for new positions authorized, funds shall be
17 provided in the first year for necessary equipment and annual
18 operating expenses shall be increased for supplies; provided
19 further that funds shall be provided for seven positions,
20 necessary equipment, and annual operating expenses for the
21 establishment of the reentry office within the department of
22 public safety; provided further that funds shall be provided for



1 seven positions, necessary equipment, and annual operating
2 expenses for the establishment of the research and planning
3 office within the department of public safety; and provided
4 further that purchase of services funds shall be provided for
5 community-based programs for pretrial offenders and parolees.

6 The sums appropriated shall be expended by the department
7 of public safety for the purposes of this Act.

8 PART VI

9 SECTION 15. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 16. This Act shall take effect on January 7, 2059.



Report Title:

Relating to Public Safety; Appropriation

Description:

Requires a pretrial risk assessment within three working days of commitment to a community correctional center. Increases the membership of the Hawaii paroling authority from 3 to 5 members and requires use of validated risk assessments. Limits length of incarceration for first-time parole violators. Increases the percentage deducted from inmates' earnings for restitution payments. Requires parole supervision prior to maximum sentence date. Adds positions in the PSD. Appropriates funds. Effective 1/7/2059. (HB2514 HD2)

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

