

JAN 25 2017

A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. Section 353-14, Hawaii Revised Statutes, is
2 amended as follows:

3 "**§353-14 Cash furnished discharges committed person, when.**
4 Upon the discharge or parole of any committed person who has
5 undergone a commitment or sentence of more than one year, the
6 committed person may be furnished by the Hawaii paroling
7 authority, in its discretion, with funds of not more than \$200,
8 to meet the committed person's immediate needs[-]; provided that
9 legislative appropriations specifically for these purposes have
10 been authorized and allocated to the authority. The
11 expenditures made by the Hawaii paroling authority shall be
12 included among the accounts for cost and maintenance of
13 committed persons."

14 SECTION 2. Section 353-70, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§353-70 Final discharge.** Whenever, in its opinion, any
17 paroled prisoner has given such evidence as is deemed reliable
18 and trustworthy that the paroled prisoner will remain at liberty

1 without violating the law and that the paroled prisoner's final
2 release is not incompatible with the welfare of society, the
3 Hawaii paroling authority may grant the prisoner a written
4 discharge from further liability under the prisoner's
5 sentence[-] unless the inmate is serving any portion of a court-
6 ordered mandatory minimum sentence or the inmate or paroled
7 prisoner owes restitution.

8 Any paroled prisoner who has been on parole for at least
9 five years shall [be] have the paroled prisoner's case
10 administratively brought before the paroling authority for
11 purposes of consideration for final discharge and, at the
12 discretion of the authority, may be considered for a
13 recommendation for a complete pardon. In the event the prisoner
14 is not granted a final discharge and full pardon, the paroled
15 prisoner shall [be] have the paroled prisoner's case
16 administratively brought before the paroling authority for the
17 aforementioned purposes annually thereafter.

18 Any person, who, while on parole, enters the military
19 service of the United States, may upon the person's honorable
20 discharge therefrom, petition the paroling authority for a final
21 discharge, and the paroling authority may consider the honorable
22 discharge as grounds for granting a final discharge from parole
23 and recommending to the governor a full pardon."

S.B. NO. 999

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Mark N. Hill

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BY REQUEST

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S.B. NO. 999

Report Title:

Parole; Legislative Appropriations; Discharged Persons

Description:

Specifies that funds for discharged persons be subject to legislative appropriation. Clarifies circumstances under which the Hawaii Paroling Authority may grant early discharges. Provides the paroling authority with discretion when considering pardons for paroled prisoners and clarifies early discharge consideration of paroled prisoners is an administrative action, not an in-person hearing before the authority.

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

SB. NO. 999

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PAROLE.

PURPOSE: This bill clarifies the need for dedicated legislative appropriations for the award of "GATE" funds pursuant to Act 201, Session Laws of Hawaii 1987; clarifies that the Hawaii Paroling Authority (HPA) may in its discretion grant early discharges to offenders unless the inmate is serving a court-ordered mandatory minimum sentence or owes restitution for any unexpired sentence; and provides the Hawaii Paroling Authority with discretion when considering pardons for paroled prisoners. Also clarifies early discharge consideration of paroled prisoners is an administrative action, not an in-person hearing before the authority.

MEANS: Amend sections 353-14 and 353-70, Hawaii Revised Statutes.

JUSTIFICATION: This bill will provide greater flexibility to the HPA board with respect to denying early discharges if the offender owes restitution on expired cases for which they would have "maxed out" on, in the correctional facility or while previously on parole for the expired offense(s). This bill will provide clarity to offenders as it relates to the HPA not having any "GATE" fund unless legislative appropriations are provided.

Impact on the public: Clarity will be provided to offenders and the general public as it relates to various parole and pardon matters.

Impact on the department and other agencies: Clarity will be provided to the Hawaii Paroling Authority as it relates to various parole and pardon matters.

GENERAL FUND: None.

SB. NO. 999

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 611 and 612

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.