
HOUSE CONCURRENT RESOLUTION

REQUESTING THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
TO CONVENE A TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS
REGARDING EXISTING PROCEDURES OF THE HAWAII PAROLING
AUTHORITY SETTING THE MINIMUM TERMS OF IMPRISONMENT.

1 WHEREAS, Hawaii is one of thirty-three states that
2 primarily utilizes an indeterminate sentencing system where
3 courts can order a maximum and minimum term, or both, and then
4 actual time served is determined by a parole board; and
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6 WHEREAS, under existing law, the Hawaii Paroling Authority
7 retains the authority to set the minimum term of imprisonment a
8 prisoner must serve before being eligible for parole; and
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10 WHEREAS, this creates a two-step process in which the
11 presiding judge determines the maximum term for a defendant
12 convicted after reviewing the victims' statements, pre-
13 sentencing reports, criminal history, and other factors; and
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15 WHEREAS, the Hawaii Paroling Authority then holds another
16 hearing to determine the minimum term before a defendant is
17 eligible for parole; and
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19 WHEREAS, this two-step process is redundant and time
20 consuming for the Hawaii Paroling Authority who spends
21 approximately thirty percent of its time on the post-conviction
22 minimum sentencing process; and
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24 WHEREAS, of the thirty-three states using an indeterminate
25 sentencing system, Hawaii is the only state that requires a
26 parole board to determine the minimum sentence of imprisonment;
27 now, therefore,
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29 BE IT RESOLVED by the House of Representatives of the
30 Thirty-second Legislature of the State of Hawaii, Regular



1 Session of 2023, the Senate concurring, that the Hawaii
2 Correctional System Oversight Commission is requested to convene
3 a task force to examine and make recommendations regarding
4 existing procedures of the Hawaii Paroling Authority setting the
5 minimum terms of imprisonment to increase efficiency of the
6 procedures; and

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8 BE IT FURTHER RESOLVED that the task force is requested to
9 study whether parole system models utilized by other states
10 might be suited for Hawaii; and

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12 BE IT FURTHER RESOLVED that the task force is requested to
13 examine and compare the minimum sentences issued by the Hawaii
14 Paroling Authority and the courts to determine whether there are
15 significant differences; and

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17 BE IT FURTHER RESOLVED that the task force is requested to
18 recommend whether the administration of justice may be better
19 served by removing the responsibility of setting minimum
20 sentences from the Hawaii Paroling Authority, thereby enabling
21 it to focus on determining and assisting prisoners' fitness for
22 parole and supervision of parolees; and

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24 BE IT FURTHER RESOLVED that the task force is requested to
25 be comprised of the following members:

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27 (1) The Chair of the Hawaii Correctional System Oversight
28 Commission or the Chair's designee, who shall serve as
29 the chairperson of the task force;

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31 (2) The Chief Justice of the Hawaii Supreme Court or the
32 Chief Justice's designee;

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34 (3) The Attorney General or the Attorney General's
35 designee;

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37 (4) The Director of Health or the Director's designee;

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39 (5) The Director of Public Safety or the Director's
40 Designee;

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42 (6) The Chairperson of the Board of Trustees of the Office
43 of Hawaiian Affairs or the Chairperson's designee;

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- 1 (7) The Chair of the Hawaii Paroling Authority or the
2 Chair's designee;
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4 (8) The Public Defender or the Public Defender's designee;
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6 (9) One member of the House of Representatives, as
7 appointed by the Speaker of the House of
8 Representatives;
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10 (10) One member of the Senate, as appointed by the
11 President of the Senate;
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13 (11) The Prosecuting Attorney, or the Prosecuting
14 Attorney's designee, of each county;
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16 (12) A representative of the Crime Victim Compensation
17 Commission;
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19 (13) Four representatives appointed by the Hawaii
20 Association of Criminal Defense Lawyers, including one
21 representative from each county;
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23 (14) One member of the public who is a victim of domestic
24 violence and has knowledge and expertise with the
25 criminal justice system appointed by the Director of
26 Public Safety; and
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28 (15) One member of the public who is a victim of sexual
29 assault and has knowledge and expertise with the
30 criminal justice system appointed by the Director of
31 Public Safety; and
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33 BE IT FURTHER RESOLVED that the Judiciary and Department of
34 Public Safety are requested to provide administrative support to
35 the task force; and that the task force receive assistance from
36 the Hawaii Criminal Justice Data Center and the Criminal Justice
37 Research Institute; and
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39 BE IT FURTHER RESOLVED that the task force is requested to
40 submit a report of its findings and recommendations, including
41 any proposed legislation, to the Legislature no later than
42 October 21, 2024; and
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1 BE IT FURTHER RESOLVED that the Legislative Reference
2 Bureau is requested to assist the task force in drafting any
3 proposed legislation the task force recommends; and
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5 BE IT FURTHER RESOLVED that the task force is requested to
6 submit any request for proposed legislation, supporting
7 documents, information, and materials deemed necessary, to the
8 Legislative Reference Bureau no later than August 1, 2024; and
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10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to the Chief Justice of the
12 Hawaii Supreme Court, Attorney General, Director of Public
13 Safety, Director of Health, Chairperson of the Board of Trustees
14 of the Office of Hawaiian Affairs, Chair of the Hawaii Paroling
15 Authority, Oversight Coordinator of the Hawaii Correctional
16 System Oversight Commission, Public Defender of the State of
17 Hawaii, Director of the Legislative Reference Bureau,
18 Prosecuting Attorney of each county, and President of the Hawaii
19 Association of Criminal Defense Lawyers.

