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## 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 the Hawaii paroling  
2 authority, through its parole release programs, must continue to  
3 strive to provide a meaningful opportunity for individual  
4 offenders to successfully reintegrate into society while serving  
5 their sentences. The legislature also finds that, in addition  
6 to personal effort, offenders require active family and  
7 community support, as well as employment and educational  
8 opportunities to function as productive, law-abiding citizens.

9           In 1993, the legislature amended section 353-64, Hawaii  
10 Revised Statutes, to require the Hawaii paroling authority to  
11 parole a prisoner in the county of original commitment if the  
12 prisoner had a permanent residence and occupation or employment  
13 or to a location outside the State, unless the prisoner would  
14 reside in a county having a population greater than eight  
15 hundred thousand persons. The rationale at the time was to  
16 prevent the "mass release of parolees in the county where  
17 confinement institutions are located." Section 706-670, Hawaii  
18 Revised Statutes, was also amended in 1993 to include this



1 parole requirement because "otherwise, the location of new  
2 prisons on the neighbor islands will be difficult or  
3 impossible."

4       Accordingly, under existing law, a committed person is  
5 paroled in the county where the committed person had a permanent  
6 residence or occupation or employment prior to incarceration,  
7 unless the committed person is to reside in a county in which  
8 the population exceeds eight hundred thousand persons, or the  
9 committed person is immediately released to another state. In  
10 practical terms, the only county in the State in which the  
11 population exceeds eight hundred thousand persons is the city  
12 and county of Honolulu.

13       As a result of this requirement, the Hawaii paroling  
14 authority is precluded from conducting an individualized  
15 assessment and paroling of committed persons to the county where  
16 they have the greatest support and opportunities to assist the  
17 offender in making a successful transition into the community  
18 upon their eventual release. The effect is that committed  
19 persons who have family, children, community support,  
20 employment, training, or educational opportunities in the  
21 counties of Kauai, Maui, or Hawaii are prohibited from being  
22 paroled to these counties, unless they had a permanent



1 residence, occupation, or employment in one of those counties  
2 prior to incarceration.

3 A variety of studies have found that increased contact  
4 between inmates and their families can contribute to an inmate's  
5 successful reintegration into the community after release. In  
6 making the transition back into the community, former inmates  
7 turn to their families--spouses, parents, siblings,  
8 grandparents, and others for assistance. These family members  
9 become the "front line" of reentry, providing ex-offenders with  
10 critical material and emotional support including shelter, food,  
11 clothing, leads for jobs, and guidance in staying sober or  
12 avoiding criminal behavior. Significantly, successful  
13 reintegration is an indicator of reduced risk of re-offense. In  
14 turn, decreased recidivism rates benefit the entire citizenry of  
15 Hawaii.

16 The purpose of this Act is to grant the Hawaii paroling  
17 authority the authority to parole committed persons to a county  
18 in the State where the committed person has the greatest family  
19 or community support, opportunities for employment, job  
20 training, education, treatment, and other social services. This  
21 will enable the Hawaii paroling authority to achieve its mission  
22 of providing meaningful opportunities for offenders to



1 reintegrate into society and demonstrate that they have the  
2 potential to function as law-abiding citizens.

3 SECTION 2. Section 353-64, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§353-64 Committed persons paroled.** Any committed person  
6 confined in any state correctional facility in execution of any  
7 sentence imposed upon the committed person, except in cases  
8 where the penalty of life imprisonment not subject to parole has  
9 been imposed, shall be subject to parole in manner and form as  
10 set forth in this part; provided that the committed person shall  
11 be paroled in [~~the county where the committed person had a~~  
12 ~~permanent residence or occupation or employment prior to~~  
13 ~~incarceration, unless:~~

14 ~~(1) The committed person will reside in a county in which~~  
15 ~~the population exceeds eight hundred thousand persons;~~  
16 ~~or~~  
17 ~~(2) The] a county in the State where the committed person~~  
18 ~~has the greatest family or community support,~~  
19 ~~opportunities for employment, job training, education,~~  
20 ~~treatment, and other social services; or the committed~~  
21 ~~person will be released for immediate departure from~~  
22 ~~the State.~~



1 Provided further that to be eligible for parole, the committed  
2 person, if the person is determined by the department to be  
3 suitable for participation, must have been a participant in an  
4 academic, vocational education, or prison industry program  
5 authorized by the department and must have been involved in or  
6 completed the program to the satisfaction of the department; and  
7 provided further that this precondition for parole shall not  
8 apply if the committed person is in a correctional facility  
9 where academic, vocational education, and prison industry  
10 programs or facilities are not available. A grant of parole  
11 shall not be subject to acceptance by the committed person."

12 SECTION 3. Section 706-670, Hawaii Revised Statutes, is  
13 amended by amending subsection (3) to read as follows:

14 "(3) Prisoner's plan and participation. Each prisoner  
15 shall be given reasonable notice of the prisoner's parole  
16 hearing and shall prepare a parole plan, setting forth the  
17 manner of life the prisoner intends to lead if released on  
18 parole, including specific information as to where and with whom  
19 the prisoner will reside and what occupation or employment the  
20 prisoner will follow. The prisoner shall be paroled [~~in the~~  
21 ~~county where the prisoner had a permanent residence or~~  
22 ~~occupation or employment prior to the prisoner's incarceration,~~



1 ~~unless the prisoner will reside in a county in which the~~  
2 ~~population exceeds eight hundred thousand persons;]~~ to a county  
3 in the State where the committed person has the greatest family  
4 or community support, opportunities for employment, job  
5 training, education, treatment, and other social services; or  
6 the prisoner will be released for immediate departure from the  
7 State. The institutional parole staff shall render reasonable  
8 aid to the prisoner in the preparation of the prisoner's plan  
9 and in securing information for submission to the authority. In  
10 addition, the prisoner shall:

- 11 (a) Be permitted to consult with any persons whose  
12 assistance the prisoner reasonably desires, including  
13 the prisoner's own legal counsel, in preparing for a  
14 hearing before the authority;
- 15 (b) Be permitted to be represented and assisted by counsel  
16 at the hearing;
- 17 (c) Have counsel appointed to represent and assist the  
18 prisoner if the prisoner so requests and cannot afford  
19 to retain counsel; and
- 20 (d) Be informed of the prisoner's rights as set forth in  
21 this subsection."



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

HPA; Parole; Parolees

**Description:**

Authorizes the Hawaii paroling authority to parole committed persons to any county in the State where they will receive the greatest support to successfully reintegrate into the community.

