

# H.B. NO. 1403

---

## A BILL FOR AN ACT

RELATING TO THE HAWAII PAROLING AUTHORITY.

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

1           SECTION 1. The legislature finds that the Hawaii paroling  
2 authority plays a vital role in our criminal justice system. It  
3 determines minimum terms of incarceration for almost all inmates  
4 sentenced to prison; grants parole when it determines that an  
5 inmate is ready for release into the community; establishes  
6 terms and conditions of parole for each offender granted parole;  
7 oversees parole officers who monitor and supervise parolees;  
8 grants discharges from parole; and makes recommendations for  
9 pardons and commutations of sentences.

10           The authority was created in 1976 with one full-time member  
11 and two part-time members. In the past thirty-six years, its  
12 workload has increased eight-fold due to the rise in  
13 incarceration rates. However the authority continues to be  
14 composed of one full-time and two part-time members. Because it  
15 is essentially a part-time body, the authority finds proper  
16 deliberation very difficult when reviewing cases and making  
17 decisions that are vital to public safety. Further, the  
18 authority is experiencing severe difficulties in carrying out

H.B. NO. 1403

1 its responsibility in assuring that the terms and conditions of  
2 parole are properly enforced with a less than full time  
3 authority.

4 The purpose of this Act is to change the two part-time  
5 members of the Hawaii paroling authority to full-time members.

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

8 **"S353-63 Service of Hawaii paroling authority members;**  
9 **compensation; expenses.** The chairperson and the other two  
10 members of the Hawaii paroling authority shall serve on a full-  
11 time basis. [~~The other two members shall serve on a part-time~~  
12 ~~basis.] Effective July 1, 2005, the chairperson of the Hawaii~~  
13 ~~paroling authority shall be paid a salary set [at eighty seven~~  
14 ~~percent of the salary of the director of public safety. The~~  
15 ~~compensation of each of the part-time members shall be eighty~~  
16 ~~per cent of the hourly wage paid the chairperson. For each hour~~  
17 ~~engaged in the official duties of the authority, each part-time~~  
18 ~~member of the authority shall be paid an hourly wage at the~~  
19 ~~percentage rate specified in this section based on the hourly~~  
20 ~~wage paid the chairperson, provided that compensation shall not~~  
21 ~~exceed eighty per cent of the total regular working hours in a~~  
22 ~~month, provided further that part-time members shall not be~~

H.B. NO. 1403

1 ~~entitled to any vacation, sick leave, or other benefits except~~  
2 ~~as provided in this section. All paroling authority members~~  
3 ~~shall receive their necessary expenses for travel and~~  
4 ~~incidentals which shall be paid from appropriations provided the~~  
5 ~~authority for such purposes, on vouchers approved by the~~  
6 ~~director of public safety.] by the governor with guidance~~  
7 provided by the current published report of the Executive Salary  
8 Commission of recommended yearly salaries for department heads.  
9 Effective July 1, 2007, the salaries of the other two members  
10 shall be set by the governor at a minimum of eighty per-cent but  
11 no more than ninety per-cent of the salary of the chairperson."

12 SECTION 3. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$60,000 or so much  
14 thereof as may be necessary, for fiscal year 2007-2008 and  
15 \$60,000 or so much as may be necessary, for fiscal year 2008-  
16 2009 to carry out the purpose of this Act, including the  
17 purchase of office equipment and other expenses related to the  
18 new full-time paroling authority members.

19 The sum appropriated shall be expended by the department of  
20 public safety.

21 SECTION 4. Any persons who were appointed as part-time  
22 members by the governor in accordance with sections 26-34 and

H.B. NO. 1403

1 353-61, Hawaii Revised Statutes, and who serve as part-time  
2 members on the day immediately preceding the effective date of  
3 this Act shall become full-time members of the paroling  
4 authority on the effective date of this Act and continue serving  
5 their current terms of appointment.

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

8 SECTION 6. This Act shall take effect on July 1, 2007.

9  
10 INTRODUCED BY:

  
BY REQUEST

11  
12  
JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY.

PURPOSE: To increase the level of service of members of the Hawaii Paroling Authority from part-time to full time.

MEANS: Amend section 353-63, Hawaii Revised Statutes; and appropriate funds required to compensate members at a full-time instead of a part-time rate; and for office equipment and other expenses.

JUSTIFICATION: Parole is an essential part of the criminal justice system and critical to the State's efforts to protect public safety. The Hawaii Paroling Authority is responsible for the following: (1) establishing the minimum sentences served by persons sentenced to prison; (2) granting parole when it determines that an inmate is ready for release; (3) establishing terms and conditions of parole for each person on parole; (4) ensuring that the terms and conditions of parole are enforced by parole officers; (5) determining whether or not parole should be revoked and a parolee returned to prison; (6) determining whether a person should be discharged from parole; (7) making recommendations for pardons; and (8) making recommendations for commutations of life sentences.

The Hawaii Paroling Authority was established in 1976 with a full-time chairperson and two part-time members. At that time, the workload of the board was small. For example, there were fewer than 500 inmates held in prison

facilities in the State. The level of services provided by the part-time members was adequate when the authority made decisions on less than 500 inmates.

Today the Authority is entrusted with making critical decisions on over four thousand inmates. These decisions are extremely complex and exceedingly difficult. To arrive at a decision, the authority must consider whether an individual needs to be punished based on the seriousness of the crime, and if so, for how long; the potential for rehabilitation and actual progress made toward rehabilitation; concerns of the victims, and the potential for danger presented by an individual.

In addition to these quasi-judicial decisions, the authority must ensure that the terms and conditions of parole are enforced by parole officers. It must provide direction to the Parole and Pardon Administrator, who are responsible for the daily operations of six separate parole offices statewide.

Impact on the public: The authority cannot perform its responsibilities in an effective manner with part-time members. The unmanageable workload increases the risk that persons who are ready for parole are not released, thereby exacerbating overcrowding. There is an equal likelihood that a person may be paroled prematurely thereby endangering the safety of the community.

Impact on the department and other agencies: With a full-time authority, the Department will be better able to achieve its multiple goals in the protection of the community,

administration of justice, and  
rehabilitation of criminal offenders.

GENERAL FUND: \$60,000 for fiscal year 2007-2008 and  
\$60,000 for fiscal year 2008-2009.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: PSD-611a

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2007.