

JAN 20 2010

A BILL FOR AN ACT

RELATING TO PAROLE.

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

1 SECTION 1. Section 353-70, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§353-70 Final discharge.** Whenever, in its opinion, any
4 paroled prisoner has given such evidence as is deemed reliable
5 and trustworthy that the paroled prisoner will remain at liberty
6 without violating the law and that the paroled prisoner's final
7 release is not incompatible with the welfare of society, the
8 Hawaii paroling authority may grant the prisoner a written
9 discharge from further liability under the prisoner's sentence.

10 Any paroled prisoner who has been on parole for at least
11 five years shall be brought before the paroling authority for
12 purposes of consideration for final discharge [~~and complete~~
13 ~~pardon. In the event the prisoner is not granted a final~~
14 ~~discharge and full pardon, the paroled prisoner shall be brought~~
15 ~~before the paroling authority for the aforementioned purposes~~
16 ~~annually thereafter.~~

17 ~~Any person, who, while on parole, enters the military~~
18 ~~service of the United States, may, upon the person's honorable~~



1 ~~discharge therefrom, petition the paroling authority for a final~~
2 ~~discharge, and the paroling authority may consider the honorable~~
3 ~~discharge as grounds for granting a final discharge from parole~~
4 ~~and recommending to the governor a full pardon]."~~

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

7 "(1) Parole hearing. A person sentenced to an
8 indeterminate term of imprisonment shall receive an initial
9 parole hearing at least one month before the expiration of the
10 minimum term of imprisonment determined by the Hawaii paroling
11 authority pursuant to section 706-669. If parole is not granted
12 at that time, additional hearings [~~shall~~] may be held at twelve-
13 month intervals or less until parole is granted or the maximum
14 period of imprisonment expires. The State shall have the right
15 to be represented at the initial parole hearing and all
16 subsequent parole hearings by the prosecuting attorney, who may
17 present written testimony and make oral comments, and the
18 authority shall consider the testimony and comments in reaching
19 its decision. The authority shall notify the appropriate
20 prosecuting attorney of the hearing at the time the prisoner is
21 given notice of the hearing."



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

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

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Report Title:

Parole; Annual Review; Discretionary

Description:

Amends the law to make annual parole review hearings discretionary rather than mandatory for (1) those who have been on parole for at least five years, and (2) those who were denied parole at the initial parole hearing. Deletes provisions relating to final discharge of paroled prisoner who receives an honorable discharge from the military.

