

STAND. COM. REP. NO.

2194

Honolulu, Hawaii

FEB 11 2010

RE: S.B. No. 2768  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 2768 entitled:

"A BILL FOR AN ACT RELATING TO PAROLE,"

begs leave to report as follows:

The purpose of this measure is to allow the Hawaii Paroling Authority to use a continuum of administrative sanctions in lieu of re-incarceration when a parolee violates a term or condition of parole.

Your Committee received testimony in support of this measure from one government entity and two nonprofit entities. Written testimony presented to the Committee may be reviewed on the Legislature's website.

This measure provides that in lieu of suspension and revocation of parole, the Hawaii Paroling Authority may utilize a continuum of administrative sanctions for violations of terms and conditions of parole. The purpose of a continuum of administrative sanctions is to encourage the Hawaii paroling authority to work with offenders in the community rather than revoking parole for violations of terms and conditions of parole.

As part of the continuum of administrative sanctions, if the Hawaii Paroling Authority deems it appropriate to return the parolee to custody for a violation of a term or condition of parole, the parolee must be returned to custody for a length of



time to be determined by Hawaii Paroling Authority but not to exceed two years in the case of a technical violation.

Your Committee has amended this measure on the recommendation of the Hawaii Paroling Authority by:

- (1) Deleting reference to "suspension" of parole in the context of when a continuum of administrative sanctions may be imposed;
- (2) Clarifying that as part of the continuum of administrative sanctions, if a parolee must be returned to custody, a technical violation of parole requires that the parolee be returned to custody for not more than two years before being eligible for parole consideration; and
- (3) Adding prior parole revocation to the circumstances under which administrative sanctions shall not apply.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2768, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2768, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Military Affairs,



WILL ESPERO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 2768</b>	Committee Referral: <b>PSM, JGO</b>	Date: <b>2/4/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani	X			
GABBARD, Mike				X
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.	X			
HEMMINGS, Fred				X
<b>TOTAL</b>	<b>8</b>			✓
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**