

JAN 25 2012

S.B. NO. 2679

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 **"§353- High risk felons; parole after maximum term. (a)**

5 A committed person who has been sentenced to imprisonment
6 pursuant to part IV of chapter 706 and who is classified as high
7 risk by the Hawaii paroling authority may be placed on parole
8 after the expiration of any maximum term of imprisonment imposed
9 pursuant to sections 706-659 and 706-660; provided that the term
10 of parole shall not exceed one year; provided further that the
11 Hawaii paroling authority may impose any term and condition of
12 parole under section 353-66, including allowing the parolee to
13 work and to return daily to a halfway facility after work.

14 (b) A person paroled under subsection (a):

15 (1) Shall be supervised by the department of public safety
16 to ensure that the public safety is not endangered by
17 the parolee who was classified as high risk; and



1 (2) May be retaken and reimprisoned within one year from
2 the date of release on parole under this section in
3 accordance with procedures under section 353-65;
4 provided that the period of reimprisonment due to the
5 parole violation shall not exceed one year from the
6 date of release on parole under this section."

7 SECTION 2. Section 353-62, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In addition to any other responsibility or duty
10 prescribed by law for the Hawaii paroling authority, the
11 paroling authority shall:

12 (1) Serve as the central paroling authority for the State;

13 (2) In selecting individuals for parole, consider for
14 parole all committed persons, except in cases where
15 the penalty of life imprisonment not subject to parole
16 has been imposed, regardless of the nature of the
17 offense committed;

18 (3) Determine the time at which parole shall be granted to
19 any eligible individual as that time at which maximum
20 benefits of the correctional institutions to the
21 individual have been reached and the element of risk
22 to the community is minimal;



- 1 (4) Establish rules of operation to determine conditions
2 of parole applicable to any individual granted parole;
- 3 (5) Provide continuing custody, control, and supervision
4 of paroled individuals[+], including high risk
5 individuals paroled under section 353- ;
6 (6) Revoke or suspend parole and provide for the
7 authorization of return to a correctional institution
8 for any individual who violates parole or any
9 condition of parole when, in the opinion of the Hawaii
10 paroling authority, the violation presents a risk to
11 community safety or a significant deviation from any
12 condition of parole;
- 13 (7) Discharge an individual from parole when supervision
14 is no longer needed;
- 15 (8) Interpret the parole program to the public in order to
16 develop a broad base of public understanding and
17 support; and
- 18 (9) Recommend to the legislature sound parole legislation
19 and recommend to the governor sound parole
20 administration."

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



1 **"§353-64 Committed persons paroled.** Any committed person,
2 including a high risk prisoner as provided in section 353-
3 who is confined in any state correctional facility in execution
4 of any sentence imposed upon the committed person, except in
5 cases where the penalty of life imprisonment not subject to
6 parole has been imposed, shall be subject to parole in the
7 manner and form as set forth in this part[+] or in section
8 353- , as applicable; provided that the committed person shall
9 be paroled in the county where the committed person had a
10 permanent residence or occupation or employment prior to
11 incarceration, unless:

- 12 (1) The committed person will reside in a county in which
13 the population exceeds eight-hundred thousand persons;
14 (2) The committed person will be released for immediate
15 departure from the State; or
16 (3) The committed person shall be released to the county
17 in the State in which the committed person has the
18 greatest family or community support, opportunities
19 for employment, job training, education, treatment,
20 and other social services, as determined by the Hawaii
21 paroling authority; provided that to be considered for
22 parole to another county in the State, the committed



1 person shall provide a written request to the
2 department not less than six months prior to the
3 expiration of the committed person's longest minimum
4 sentence.

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

16 SECTION 4. Section 353-69, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§353-69 Parole when.** No parole shall be granted unless
19 it appears to the Hawaii paroling authority that there is a
20 reasonable probability that the prisoner concerned will live and
21 remain at liberty without violating the law and that the
22 prisoner's release is not incompatible with the welfare and



1 safety of society. Pursuant to section 353- , a prisoner
2 classified as high risk may be paroled after the expiration of
3 any maximum term of imprisonment sentence imposed pursuant to
4 sections 706-659 and 706-660."

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

7 SECTION 6. This Act shall take effect upon its approval.
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Report Title:

Corrections; Parole; High Risk Prisoners

Description:

Allows supervised parole for a period of not more than twelve months for prisoners classified as high risk who have served the maximum sentence of incarceration imposed by the court.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

