

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2248  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred S.B. No. 2248 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Hawaii Paroling Authority and the Department of Public Safety to establish a medical release program for inmates who are permanently and totally disabled, terminally ill, or geriatric and pose no public safety risk;
- (2) Request the Department of Public Safety to assess and refer inmates to the Hawaii Paroling Authority; and
- (3) Set conditions for medical release.

Your Committees received testimony in support of this measure from the Department of Public Safety, the Hawaii Paroling Authority, and two individuals. Your Committees received testimony in opposition to this measure from the Community Alliance on Prisons and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that a medical release program, also known as a compassionate release program, is designed to ensure that prisoners who are terminally ill are no longer punished



through imprisonment. The medical release program can also help states address the growing costs of keeping inmates imprisoned. Your Committees also find that without a well-developed program with defined policies and processes, many inmates will die in prison without the medical services they need even though they no longer pose a threat to society.

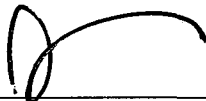
Your Committees have amended this measure by:

- (1) Deleting its contents and inserting language to establish a compassionate release program that is substantively similar to the medical release program, with notable differences from the medical release program that include the following:
  - (A) The compassionate release program does not require convicted sex offenders to complete a sex offender treatment program in order to be eligible;
  - (B) The compassionate release program allows requests for compassionate release to be made by not only the Department of Public Safety but also the inmate; and
  - (C) The compassionate release program does not require a released inmate's physician to submit periodic assessments to the Hawaii Paroling Authority; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2248, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2248, S.D. 1, and be referred to the Committee on Public Safety, Government Operations, and Military Affairs.



Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Health,

  
for JOSH GREEN, M.D., Chair

  
SUZANNE CHUN OAKLAND, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 2248</b>	Committee Referral: <b>HMS/ HTH, PGM</b>	Date: <b>2/10/12</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 <b>2311</b></div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
GREEN, M.D., Josh	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</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

The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 2248</i>	<i>HMS/ATH, PGM</i>	<i>2/10/12</i>		
<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; margin-top: 10px;"> <span><input type="checkbox"/> Pass, unamended 2312</span> <span><input checked="" type="checkbox"/> Pass, with amendments 2311</span> <span><input type="checkbox"/> Hold 2310</span> <span><input type="checkbox"/> Recommit 2313</span> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.				✓
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile	✓			
WAKAI, Glenn				✓
SLOM, Sam				✓
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>3</i>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span><input checked="" type="checkbox"/> Adopted</span> <span><input type="checkbox"/> Not Adopted</span> </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"><i>Clarence K. Nishihara</i></div>				
<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