

S.B. NO. 2815

JAN 24 2018

A BILL FOR AN ACT

RELATING TO PAROLE.

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

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

"§353-70 **Final discharge.** Whenever, in its opinion, any paroled prisoner has given such evidence as is deemed reliable and trustworthy that the paroled prisoner will remain at liberty without violating the law and that the paroled prisoner's final release is not incompatible with the welfare of society, the Hawaii paroling authority may grant the prisoner a written discharge from further liability under the prisoner's sentence[-] unless the inmate is serving any portion of a court-ordered mandatory minimum sentence or the inmate or paroled prisoner owes restitution.

Any paroled prisoner who has been on parole for at least five years shall ~~[be brought before]~~ have the prisoner's case administratively reviewed by the paroling authority for purposes of consideration for final discharge and, at the discretion of the authority, may be considered for a recommendation for a complete pardon. In the event the prisoner is not granted a

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1 final discharge and full pardon, the paroled prisoner shall [be]
2 have the prisoner's case administratively brought before the
3 paroling authority for the aforementioned purposes annually
4 thereafter.

5 Any person, who, while on parole, enters the military
6 service of the United States, may, upon the person's honorable
7 discharge therefrom, petition the paroling authority for a final
8 discharge, and the paroling authority may consider the honorable
9 discharge as grounds for granting a final discharge from parole
10 and recommending to the governor a full pardon."

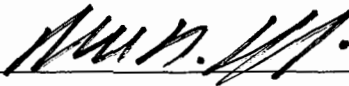
11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



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BY REQUEST

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Report Title:

Parole; Discharged Persons

Description:

Clarifies circumstances under which the Hawaii Paroling Authority may grant early discharges. Provides the paroling authority with discretion when considering pardons for paroled prisoners and clarifies early discharge consideration of paroled prisoners is an administrative action, not an in-person hearing before the authority.

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

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JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PAROLE.

PURPOSE: This bill clarifies that the Hawaii Paroling Authority (HPA) may in its discretion grant early discharges to offenders unless the inmate is serving a court-ordered mandatory minimum sentence or owes restitution for any unexpired sentence; it provides the Hawaii Paroling Authority with discretion when considering pardons for paroled prisoners. Also clarifies that early discharge consideration of paroled prisoners is an administrative action, not an in-person hearing before the authority.

MEANS: Amend section 353-70, Hawaii Revised Statutes.

JUSTIFICATION: This bill will provide incentive to inmates to pay ordered restitution, to the benefit of victims. It will also provide for a more efficient administrative process and clarify the discretion of the authority in considering a parolee for a pardon.

Impact on the public: Clarity will be provided to offenders and the general public as it relates to various parole and pardon matters.

Impact on the department and other agencies: Clarity will be provided to the Hawaii Paroling Authority and the Department of Public Safety as it relates to various parole and pardon matters.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 611 and 612

OTHER AFFECTED
AGENCIES:

Crime Victim Compensation Commission.

EFFECTIVE DATE:

Upon approval.