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# A BILL FOR AN ACT

RELATING TO PAROLE.

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

1       SECTION 1. The legislature finds that current state laws  
2 relating to certain violations of community supervision are  
3 resulting in unnecessary, counterproductive, skyrocketing rates  
4 of incarceration and severe overcrowding in local jails and  
5 prisons. Based on Creating Better Outcomes, Safer Communities,  
6 Final Report of the House Concurrent Resolution 85 Task Force on  
7 Prison Reform to the Hawai'i Legislature, which was submitted  
8 before the regular session of 2019, the incarcerated population  
9 is increasing at a much faster rate than the State's general  
10 population. From 1978 to 2016, the State's overall population  
11 increased by fifty-three per cent, while the State's combined  
12 jail and prison population increased by six hundred seventy per  
13 cent. In 2018, more than twenty-eight thousand Hawaii residents  
14 were incarcerated or under some form of probation, parole, or  
15 other form of community supervision. According to States of  
16 Incarceration: The Global Context 2021, a report of the Prison  
17 Policy Initiative, Hawaii has four hundred thirty-nine



1 incarcerated persons for every one hundred thousand overall  
2 persons, or an incarcerated population of 0.439 per cent of the  
3 overall population, which is higher than in the Philippines  
4 (0.200 per cent), South Africa (0.248 per cent), Vermont (0.288  
5 per cent), Russia (0.329 per cent), Turkey (0.332 per cent) and  
6 New York (0.376 per cent).

7       The legislature also finds that based on weekly population  
8 reports, typically one-fourth of all jail and prison admissions  
9 in Hawaii are the result of probation or parole technical  
10 violations, which are violations of the terms of legal  
11 supervision, other than the commission of certain crimes. The  
12 legislature further finds that the foregoing practices have  
13 unequal impacts. Native Hawaiians, Pacific Islanders, Black  
14 people, and poor people are disproportionately overrepresented  
15 at every stage of the criminal justice system, including the  
16 overcrowded jails and prisons. Research shows that  
17 incarceration interferes with employment, housing, health care,  
18 child custody, and other life opportunities and results in  
19 negative impacts to families and communities.

20       The legislature also finds that incarceration for technical  
21 violations of parole is expensive. The State currently spends



1 \$219 per day, or \$79,935 per year, to incarcerate just one  
2 person. Research shows that, in contrast, community-based  
3 services are a fraction of the cost of incarceration. Research  
4 also shows that investment in access to employment; housing;  
5 social services; and voluntary, community-based substance use  
6 treatment, mental health, and re-entry programs reduce  
7 recidivism more effectively than incarceration.

8 The purpose of this Act is to reform parole procedures by  
9 requiring the parolee, halfway through the parolee's term of  
10 parole, to receive an assessment from the parolee's parole  
11 officer and to have the option to submit a request for review  
12 and possible early termination of the parole sentence by the  
13 paroling authority.

14 SECTION 2. Section 353-66, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§353-66 Terms and conditions of parole; suspension and**  
17 **revocation.** (a) Every parole granted under this part to any  
18 prisoner shall be subject to the express condition, to be set  
19 forth in the official written notification of parole to the  
20 prisoner, but to be binding upon the prisoner in any event, that  
21 all or any portion of the prisoner's credits earned or to be



1 earned may be forfeited by order of the Hawaii paroling  
2 authority in the event that the prisoner breaks the prisoner's  
3 parole or violates any law of the State or rule of the paroling  
4 authority or any of the terms or conditions of the prisoner's  
5 parole.

6 (b) No parole shall be revoked and no credits forfeited  
7 without cause, which cause must be stated in the order revoking  
8 the parole[~~r~~] or forfeiting the credits, after notice to the  
9 paroled prisoner of the paroled prisoner's alleged offense and  
10 an opportunity to be heard; provided that when a person is  
11 convicted in the State of a crime committed while on parole and  
12 is sentenced to imprisonment, or when it is shown by personal  
13 investigation that a parolee has left the State without  
14 permission from the paroling authority and due effort is made to  
15 reach the parolee by registered mail directed to the parolee's  
16 last known address, no hearing shall be required to revoke the  
17 parolee's parole; ~~and~~ provided further that when any duly  
18 licensed psychiatrist or licensed psychologist finds that  
19 continuance on parole will not be in the best interests of a  
20 parolee or the community, the paroling authority, within the  
21 limitations of the sentence imposed, shall order the detention



1 and treatment of the prisoner until such time as the prisoner  
2 shall be found by any duly licensed psychiatrist or licensed  
3 psychologist to be eligible for continuance on parole.

4 (c) If any paroled prisoner leaves the State without  
5 permission from the paroling authority, or if the whereabouts of  
6 any paroled prisoner is not known to the paroling authority  
7 because of the neglect or failure of the prisoner to so inform  
8 it, the paroling authority may order the parole suspended  
9 pending apprehension. From and after the suspension of the  
10 parole of any paroled prisoner and until the paroled prisoner's  
11 return to custody, the paroled prisoner shall be deemed an  
12 escapee and a fugitive from justice, and no part of the time  
13 during which the paroled prisoner is an escapee and a fugitive  
14 from justice shall be part of the paroled prisoner's term.

15 (d) The paroling authority may at any time order the  
16 arrest and temporary return to custody of any paroled prisoner,  
17 as provided in section 353-65, for the purpose of ascertaining  
18 whether or not there is sufficient cause to warrant the paroled  
19 prisoner's reimprisonment or the revoking of the paroled  
20 prisoner's parole or other action provided for by this part.



1 (e) Any paroled prisoner retaken and reimprisoned as  
2 provided in this chapter shall be confined according to the  
3 paroled prisoner's sentence for that portion of the paroled  
4 prisoner's term remaining unserved at time of parole, but  
5 successive paroles may, in the discretion of the paroling  
6 authority, be granted to the prisoner during the life and in  
7 respect of the sentence. If the paroled prisoner is retaken and  
8 reimprisoned for violating a condition of parole but has not:

9 (1) Been charged with a new felony offense or a new  
10 misdemeanor offense under chapter 134, chapter 707, or  
11 section 709-906;

12 (2) Absconded or left the State without permission from  
13 the paroling authority;

14 (3) Violated conditions applicable to sex offenders, such  
15 as registering as a sex offender or conditions related  
16 to proximity to specified locations or persons; or

17 (4) Been previously reimprisoned for violating the  
18 conditions of parole on the current offense,

19 the paroled prisoner shall be confined for no more than six  
20 months or for that portion of the paroled prisoner's term  
21 remaining unserved at the time of parole, whichever is shorter,



1 so long as the paroling authority has approved a parole plan as  
2 set forth under section 706-670(3) and (4). The minimum term of  
3 imprisonment shall be as determined by the court or the paroling  
4 authority, as the case may be. The prisoner shall be given  
5 credit for time served in custody pending a hearing on  
6 revocation of parole as it relates to the six-month parole  
7 revocation. No prisoner shall be incarcerated beyond the  
8 expiration of the prisoner's maximum terms of imprisonment.

9 (f) The Hawaii paroling authority may require a paroled  
10 prisoner to undergo and complete a substance abuse treatment  
11 program when the paroled prisoner has committed a violation of  
12 the terms and conditions of parole involving possession or use,  
13 not including to distribute or manufacture as defined in section  
14 712-1240, of any dangerous drug, detrimental drug, harmful drug,  
15 intoxicating compound, marijuana, or marijuana concentrate, as  
16 defined in section 712-1240[7]; unlawful methamphetamine  
17 trafficking as provided in section 712-1240.7 or section 712-  
18 1240.6[7] as that section was in effect prior to June 22, 2006;  
19 or involving possession or use of drug paraphernalia under  
20 section 329-43.5. If the paroled prisoner fails to complete the  
21 substance abuse treatment program or the Hawaii paroling



1 authority determines that the paroled prisoner cannot benefit  
2 from any substance abuse treatment program, the paroled prisoner  
3 shall be subject to revocation of parole and return to  
4 incarceration. As a condition of parole, the Hawaii paroling  
5 authority may require the paroled prisoner to:

6 (1) Be assessed by a certified substance abuse counselor  
7 for substance abuse dependency or abuse under the  
8 applicable Diagnostic and Statistical Manual and  
9 Addiction Severity Index;

10 (2) Present a proposal to receive substance abuse  
11 treatment in accordance with the treatment plan  
12 prepared by a certified substance abuse counselor  
13 through a substance abuse treatment program that  
14 includes an identified source of payment for the  
15 treatment program;

16 (3) Contribute to the cost of the substance abuse  
17 treatment program; and

18 (4) Comply with any other terms and conditions for parole.

19 As used in this subsection, "substance abuse treatment  
20 program" means drug or substance abuse treatment services  
21 provided outside a correctional facility by a public, private,





1 or nonprofit entity that specializes in treating persons who are  
2 diagnosed with having substance abuse or dependency and  
3 preferably employs licensed professionals or certified substance  
4 abuse counselors.

5 Nothing in this subsection shall be construed to give rise  
6 to a cause of action against the State, a state employee, or a  
7 treatment provider.

8 (g) Halfway through the parolee's term of parole, the  
9 parolee shall receive an assessment from the parolee's parole  
10 officer and shall have the option to submit a request for review  
11 and possible early termination of the parole sentence by the  
12 paroling authority."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 3000.



# H.B. NO. 2342 H.D. 1

**Report Title:**

Parole; Crimes; Conditions; Revocation; Hawaii Paroling  
Authority; DPS

**Description:**

Requires the parolee, halfway through the parolee's term of parole, to receive an assessment from the parolee's parole officer and to have the option to submit a request for review and possible early termination of the parole sentence by the paroling authority. Effective 7/1/3000. (HD1)

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

