

STAND. COM. REP. NO. **1912**

Honolulu, Hawaii

**APR 18 2023**

RE: H.C.R. No. 23  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Public Safety and Intergovernmental and Military Affairs and Judiciary, to which was referred H.C.R. No. 23, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION TO CONVENE A TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING EXISTING PROCEDURES OF THE HAWAII PAROLING AUTHORITY SETTING THE MINIMUM TERMS OF IMPRISONMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Hawaii Correctional System Oversight Commission to convene a task force to examine and make recommendations regarding existing procedures of the Hawaii Paroling Authority setting the minimum terms of imprisonment.

Your Committees received testimony in support of this measure from the Judiciary, Hawaii Correctional System Oversight Commission, Office of the Public Defender, Hawaii Paroling Authority, Crime Victim Compensation Commission, Community Alliance on Prisons, American Civil Liberties Union of Hawai'i, Hawai'i Innocence Project, and Hawai'i State Coalition Against Domestic Violence. Your Committees received comments on this measure from the Legislative Reference Bureau, Sex Abuse Treatment Center, and one individual.



Your Committees find that Hawaii is one of thirty-three states that primarily utilizes an indeterminate sentencing system where courts can order a maximum and minimum term, or both, and then actual time served is determined by a parole board. However, of the thirty-three states using an indeterminate sentencing system, Hawaii is the only state that requires a parole board to determine the minimum sentence of imprisonment. Your Committees believe that this process is redundant and time consuming for the Hawaii Paroling Authority who spends approximately thirty percent of its time on the post-conviction minimum sentencing process. This measure will help to increase the efficiency of the State's sentencing system and conserve state resources.

Your Committees have amended this measure by:

- (1) Specifying that the Chair of the Hawaii Correctional System Oversight Commission or the Chair's designee is requested to serve as chairperson of the task force;
- (2) Specifying that the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs or the Chairperson's designee is requested to serve on the task force;
- (3) Specifying that the member of the public included on the task force be a victim of domestic violence;
- (4) Requesting an additional member of the public who is a victim of sexual assault be included on the task force;
- (5) Limiting the Legislative Reference Bureau's assistance to the drafting of any legislation that may be proposed by the task force;
- (6) Requesting the task force to submit any request for proposed legislation, supporting documents, information, and materials deemed necessary, to the Legislative Reference Bureau no later than August 1, 2024; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



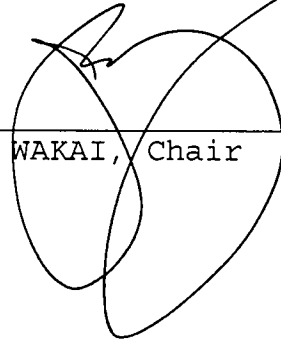
As affirmed by the records of votes of the members of your Committees on Public Safety and Intergovernmental and Military Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 23, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 23, H.D. 1, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Public Safety and Intergovernmental and Military Affairs and Judiciary,



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KARL RHOADS, Chair



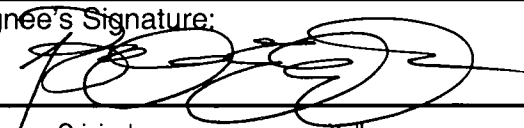
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GLENN WAKAI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>HCR 23 HDI</b>	Committee Referral: <b>PSM/JDC</b>	Date: <b>4/14/23</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: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
MCKELVEY, Angus L.K.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:                     Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes  
 Committee on Judiciary  
 JDC**

Bill / Resolution No.:* <b>HCR 23 HD1</b>	Committee Referral: <b>PSM/JDC</b>	Date: <b>4/14/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
  Hold 2310    
  Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			✓
SAN BUENAVENTURA, Joy A.				
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:

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