

STAND. COM. REP. NO. 256

Honolulu, Hawaii

**FEB 14 2023**

RE: S.B. No. 223  
S.D. 1

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

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 223 entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the Hawaii Opportunity Probation with Enforcement (HOPE) Program statewide.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii Substance Abuse Coalition, and four individuals. Your Committee received testimony in opposition to this measure from the Judiciary, Office of the Public Defender, Office of the Prosecuting Attorney for the County of Kaua'i, and six individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that in 2004, Hawaii was the first state in the nation to develop a high-intensity, collaborative probation strategy to effect behavioral change in higher-risk, higher-need felony probationers. The State has had substantial success with the HOPE Program, with participating probationers being fifty-five percent less likely to be arrested for a new crime, seventy-two percent less likely to use drugs, sixty-one percent less likely to



miss appointments with supervisory officers, and fifty-three percent less likely to have their probation revoked. The program is also cost-effective, since a single dedicated judge can supervise more than two thousand felony probationers. Your Committee believes that, given these successes, this program should be implemented in a format that has already proven effective. This measure will promote efficiency in the criminal justice system, reduce the number of crimes committed and the need for long-term incarceration, and increase productivity, self-esteem, and overall well-being for probationers by establishing the HOPE Program in each county with a population greater than five hundred thousand.

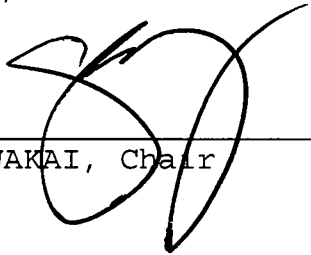
Your Committee has amended this measure by:

- (1) Limiting the implementation of the HOPE Program to counties with a population greater than five hundred thousand;
- (2) Clarifying that while courts shall retain the discretion to look at all the facts and circumstances in each case to fashion the appropriate sentence, the court shall typically follow the sentencing guidelines of the HOPE Program unless otherwise warranted;
- (3) Clarifying that if a court finds that enlargement of the conditions of probation or deferral is warranted, the court shall typically enlarge the participant's sentence pursuant to the sentencing guidelines of the HOPE Program;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 223, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 223, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



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



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GLENN WAKAI, Chair



