

JAN 19 2024

A BILL FOR AN ACT

RELATING TO A PROBATION COMPLIANCE CREDITS PROGRAM.

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

1 SECTION 1. The legislature finds that a 2020 study by the
2 Pew Research Center reported the average length of probation
3 nationwide is just under two years, with Hawaii having the
4 longest average length of fifty-nine months, or nearly five
5 years. A growing list of high-quality studies have shown that
6 long probation sentences are not associated with lower rates of
7 recidivism and are more likely to lead to technical violations,
8 such as noncompliance with one or more supervision rules,
9 including missing appointments or testing positive for drug use.
10 Recent research from the Council of State Governments Justice
11 Center has found that technical violations contribute
12 significantly to state incarceration rates and correctional
13 costs with more than one in ten state prison admissions the
14 result of technical violations of probation rather than
15 convictions for a new crime.

16 The legislature further finds that probation should only be
17 long enough to meet its basic objectives of providing



1 accountability proportional to the underlying criminal offense,
2 connecting people to needed treatment and services, and enabling
3 individuals to complete programs, such as cognitive behavioral
4 therapy and counseling that have been shown to reduce the risk
5 of reoffending. A 2014 study by the Council on State
6 Governments Justice Center found that in Hawaii, ninety-five per
7 cent of felony probationers receive supervision terms of five
8 years or more. Out of the felony probationers receiving terms
9 of more than three years, sixty per cent are identified as low
10 risk of reoffending. One of the recommendations of the Justice
11 Reinvestment in Hawaii study was to offer time credits as an
12 incentive for successful probationers. Focusing resources
13 during the initial period of supervision, when an individual is
14 most likely to commit new crimes or violate their conditions of
15 supervision, is an effective practice that maximizes the
16 likelihood of recidivism reduction. Shortening the length of
17 time spent actively supervising low- and medium-risk
18 probationers and parolees who have complied with their
19 conditions of supervision allows resources to be focused on
20 individuals who are more likely to reoffend and therefore are in
21 need of more intensive monitoring. Eleven states have



1 implemented compliance credits to reduce terms of probation,
2 with five states offering thirty days of credit for every month
3 of compliance, and three states offering twenty days for every
4 thirty days of compliance. Such programs recognize that
5 although probation was originally conceived as an alternative to
6 incarceration, there is increased acknowledgement that keeping
7 people on probation longer than needed carries unnecessary and
8 unproductive costs and wastes scarce resources, without
9 increasing public safety.

10 Accordingly, the legislature finds that there is a need for
11 a program that provides a reduction in the length of probation,
12 also known as "good time credits", for probationers who comply
13 with the terms of their supervision or treatment.

14 The purpose of this Act is to:

15 (1) Require the judiciary to establish a pilot program
16 that implements compliance credits to reduce terms of
17 probation for probationers who meet their terms of
18 supervision; and

19 (2) Appropriate funds for the pilot program.

20 SECTION 2. (a) The judiciary shall establish a four-year
21 compliance credits pilot program that reduces the length of



1 probation for probationers in compliance with conditions of
2 supervision.

3 (b) In developing the pilot program, the judiciary shall:

4 (1) Examine other states that have implemented compliance
5 credit programs to determine best practices for the
6 appropriate amount of credits, terms of compliance,
7 and mechanisms for implementing credit programs; and

8 (2) Consult with the criminal justice community and
9 consider whether certain offenders should be excluded
10 from earning credits and how financial obligations
11 should be addressed.

12 (c) The judiciary shall design the pilot program to ensure
13 that probation promotes public safety and effectively uses
14 resources to supervise offenders most in need of services and
15 programs.

16 (d) The judiciary shall submit a report of its findings
17 and recommendations, including any proposed legislation, to the
18 legislature no later than twenty days prior to the convening of
19 the regular session of 2029.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2024-2025 for
2 the development and implementation of the compliance credits
3 pilot program.

4 The sum appropriated shall be expended by the judiciary for
5 the purposes of this Act.

6 SECTION 4. In accordance with section 9 of article VII of
7 the Hawaii State Constitution and sections 37-91 and 37-93,
8 Hawaii Revised Statutes, the legislature has determined that the
9 appropriations contained in H.B. No. , will cause the state
10 general fund expenditure ceiling for fiscal year 2024-2025 to be
11 exceeded by \$ or per cent. In addition, the
12 appropriation contained in this Act will cause the general fund
13 expenditure ceiling for fiscal year 2024-2025 to be further
14 exceeded by \$ or per cent. The combined total
15 amount of general fund appropriations contained in only these
16 two Acts will cause the state general fund expenditure ceiling
17 for fiscal year 2024-2025 to be exceeded by
18 \$ or per cent. The reasons for exceeding the
19 general fund expenditure ceiling are that:

- 20 (1) The appropriation made in this Act is necessary to
21 serve the public interest; and



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1 (2) The appropriation made in this Act meets the needs
2 addressed by this Act.

3 SECTION 5. This Act shall take effect on July 1, 2024.

4

INTRODUCED BY: *Karl Rhoads*



S.B. NO. 2395

Report Title:

Judiciary; Probation Pilot Program; Appropriation; Expenditure Ceiling

Description:

Requires the Judiciary to establish a compliance credits pilot program for probationers that comply with their conditions of supervision.

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