THE SENATE THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII

S.B. NO. 2395

'JAN 1 9 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 longest average length of fifty-nine months, or nearly five 4 years. A growing list of high-quality studies have shown that 5 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

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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 of reoffending. A 2014 study by the Council on State 5 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

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implemented compliance credits to reduce terms of probation, 1 with five states offering thirty days of credit for every month 2 3 of compliance, and three states offering twenty days for every 4 thirty days of compliance. Such programs recognize that although probation was originally conceived as an alternative to 5 incarceration, there is increased acknowledgement that keeping 6 people on probation longer than needed carries unnecessary and 7 8 unproductive costs and wastes scarce resources, without 9 increasing public safety. Accordingly, the legislature finds that there is a need for 10 a program that provides a reduction in the length of probation, 11 also known as "good time credits", for probationers who comply 12 with the terms of their supervision or treatment. 13 14 The purpose of this Act is to: (1) Require the judiciary to establish a pilot program 15 that implements compliance credits to reduce terms of 16 probation for probationers who meet their terms of 17 18 supervision; and (2) Appropriate funds for the pilot program. 19

20 SECTION 2. (a) The judiciary shall establish a four-year21 compliance credits pilot program that reduces the length of

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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.

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

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

4 The sum appropriated shall be expended by the judiciary for5 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 appropriations contained in H.B. No. , will cause the state 9 general fund expenditure ceiling for fiscal year 2024-2025 to be 10 per cent. In addition, the 11 exceeded by \$ or 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 for fiscal year 2024-2025 to be exceeded by 17 18 per cent. The reasons for exceeding the \$ or general fund expenditure ceiling are that: 19

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

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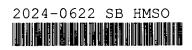
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	INTRODUCED BY:
4	INTRODUCED BY:
3	SECTION 5. This Act shall take effect on July 1, 2024.
2	addressed by this Act.
1	(2) The appropriation made in this Act meets the needs

INTRODUCED BY:





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.

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

