

JAN 23 2026

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# A BILL FOR AN ACT

RELATING TO COMPASSIONATE RELEASE.

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

1 SECTION 1. The legislature finds that correctional  
2 facilities in Hawaii and across the United States are housing a  
3 growing number of incarcerated persons who require a high level  
4 of complex and costly medical care. This is due in part to an  
5 aging prison population, and in part to the generally poor  
6 health of incarcerated persons.

7 The National Institute of Corrections defines older  
8 incarcerated persons as being aged fifty years or older, and  
9 many correctional institutions estimate that an incarcerated  
10 person's physiological age is ten to fifteen years older than  
11 their chronological age due to prior lack of medical care, drug  
12 use, and the stress of incarceration. As of mid-September 2025,  
13 the Department of Corrections and Rehabilitation housed nine  
14 hundred ninety-six incarcerated persons fifty years of age or  
15 older, including over eighty incarcerated persons who were  
16 seventy or more years old. Concern over how society should deal  
17 with the aging and seriously ill prison population has led



1 policymakers in all states and the federal government to provide  
2 for the early release of certain older and seriously ill  
3 individuals.

4 The legislature further finds that the early release of  
5 elderly and seriously ill incarcerated persons will reduce State  
6 spending on corrections. The average cost of housing an  
7 incarcerated person in Hawaii is \$307 per day or \$112,055 per  
8 year. Therefore the average cost to house Hawaii's nine hundred  
9 ninety-six older incarcerated persons is \$305,000 per day, or  
10 \$111,000,000 per year, not including the cost of higher staffing  
11 needs, medications, and hospitalizations that are associated  
12 with caring for older incarcerated persons.

13 The legislature additionally finds that parole board  
14 members, with the aid of medical and correctional professionals,  
15 are able to make informed decisions about granting compassionate  
16 release. Release policies are also supported by recidivism  
17 research which shows that arrest rates drop to slightly more  
18 than two per cent for persons ages fifty to sixty-five years  
19 old, and to almost zero percent for those older than sixty-five.

20 The legislature further finds that compassion is an  
21 expression of the aloha spirit and that compassionate release of



1 seriously ill and debilitated incarcerated persons reflects the  
2 State's commitment to dignity, humanity, and justice.

3 Accordingly, the purpose of this Act is to create a  
4 compassionate release protocol for certain ill or seriously  
5 debilitated incarcerated persons with the express intent that  
6 all incarcerated persons who qualify for release are considered  
7 for release to the community in a fair, just, and expeditious  
8 manner.

9 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
10 amended by adding a new subpart to part II to be appropriately  
11 designated and to read as follows:

12 " . Compassionate Release

13 §353- Definitions. As used in this subpart:

14 "Authority" means the Hawaii paroling authority.

15 "Compassionate release" means the release of an  
16 incarcerated person before the expiration of the incarcerated  
17 person's sentence due to the incarcerated person's terminal  
18 illness or debilitating, chronic, or irreversible condition.

19 "Debilitating, chronic, or irreversible condition" means a  
20 persistent or progressive medical, cognitive, or mental health  
21 condition that compromises an incarcerated person's ability to



1 perform one or more activities of daily living or significantly  
2 compromises an incarcerated person's quality of life.

3 "Director" means the director of corrections and  
4 rehabilitation.

5 "Incarcerated person" means a person committed to the  
6 custody of the director who has been convicted of one or more  
7 felony offenses.

8 "Incarcerated person's representative" means an attorney,  
9 family member, or other person, including another incarcerated  
10 person, who is assisting the incarcerated person in initiating  
11 an application for compassionate release or navigating the  
12 compassionate release process.

13 "Terminal illness" means a progressive medical condition  
14 with a predictably poor prognosis that is expected to result in  
15 death.

16 **S353- Referral.** The director shall have an affirmative  
17 and ongoing duty to identify incarcerated persons who may meet  
18 the criteria for compassionate release pursuant to this subpart  
19 and shall refer such incarcerated persons to the authority for  
20 possible compassionate release as provided by this subpart.



1           **S353-           Compassionate release; authority to release;**

2   **process.** (a) An incarcerated person may be considered for

3   compassionate release if the incarcerated person:

4           (1) Has a terminal illness;

5           (2) Has a debilitating, chronic, or irreversible

6           condition;

7           (3) Is too ill or cognitively impaired to participate in

8           rehabilitation or to be aware of punishment; or

9           (4) Has a condition or combination of conditions that

10           requires a complexity of treatment or level of care

11           that the department is unable to provide on a long-

12           term basis or the incarcerated person would otherwise

13           be more appropriately managed in a community setting.

14           (b) The department shall promptly identify incarcerated

15           persons who meet the criteria for compassionate release under

16           subsection (a) and assist the incarcerated person in applying

17           for compassionate release, including developing a plan that

18           meets the medical and physical needs of the incarcerated person.

19           (c) An application for compassionate release may be

20           initiated by the department's medical staff, an incarcerated

21           person, or an incarcerated person's representative.



1       (d) The director shall submit all applications for  
2 compassionate release to the authority within fifteen business  
3 days from the date of the original request, along with the  
4 director's recommendation for or against compassionate release,  
5 the reasons for the director's recommendation, and any other  
6 documents the director deems appropriate to assist the authority  
7 in making a decision for or against release; provided that if it  
8 appears that an application for compassionate release clearly  
9 does not meet the criteria for compassionate release or is  
10 clearly frivolous, the director may hold the request and not  
11 submit it to the authority until it is supported by a report  
12 from a licensed physician stating that, to a reasonable degree  
13 of medical probability, the incarcerated person meets the  
14 criteria for release. The incarcerated person or the  
15 incarcerated person's representative shall be responsible for  
16 obtaining the physician's report; provided that if the  
17 incarcerated person or the incarcerated person's representative  
18 is unable to obtain the physician's report due to medical,  
19 cognitive, or financial limitations, the department shall  
20 provide the incarcerated person or the incarcerated person's



1 representative with reasonable assistance in obtaining the  
2 physician's report.

3 (e) The authority shall hold an administrative hearing to  
4 consider an application for compassionate release no later than  
5 ten business days after receiving an application for  
6 compassionate release from the director and shall grant release  
7 in accordance with subsection (f).

8 (f) The authority shall grant compassionate release and  
9 release the incarcerated person to an appropriate community  
10 setting unless the authority finds that the incarcerated person  
11 does not meet the medical criteria under subsection (a) for  
12 compassionate release or that the incarcerated person presently  
13 poses an unreasonable risk to public safety. If the authority  
14 denies an application for compassionate release, the authority  
15 shall state the reasons for the denial and shall notify the  
16 incarcerated person or the incarcerated person's representative  
17 of its decision. A denial of compassionate release may not be  
18 appealed and shall not create a private right of action.

19 (g) Denial of compassionate release by the authority shall  
20 not affect an incarcerated person's eligibility for any other  
21 form of parole or release under any applicable federal or state



1 law; provided that the incarcerated person or the incarcerated  
2 person's representative shall not reapply or be reconsidered for  
3 compassionate release unless there is a significant change in  
4 the incarcerated person's medical condition or any other  
5 material factor.

6 (h) A grant of compassionate release shall not be subject  
7 to the sixty day notice requirement of section 706-669(5).

8 (i) Notwithstanding any law to the contrary, all persons  
9 incarcerated by the State, including but not limited to persons  
10 serving a mandatory minimum sentence or persons sentenced to  
11 life without parole, shall be eligible for compassionate release  
12 pursuant to this subpart. A mandatory minimum sentence or  
13 sentence of life without parole shall not preclude eligibility  
14 for compassionate release pursuant to this subpart.

15 **§353- Conditions of release.** (a) The authority shall  
16 set reasonable conditions for an incarcerated person's  
17 compassionate release which shall take into consideration the  
18 incarcerated person's medical conditions and abilities.

19 (b) The incarcerated person shall comply with all  
20 conditions for compassionate release set by the authority.



1           **S353-           Revocation of compassionate release.** (a) The  
2        authority may order an individual granted compassionate release  
3        pursuant to this subpart to be returned to the custody of the  
4        director to await a revocation hearing if the authority receives  
5        credible information that the individual has failed in a  
6        significant way to comply with the conditions established by the  
7        authority for the individual's compassionate release.

8           (b) When determining whether an individual's compassionate  
9        release should be revoked, the authority shall consider the  
10       individual's medical health, mental health, or cognitive  
11       condition as it relates to the alleged violation.

12           (c) Revocation of compassionate release shall not affect  
13        an individual's eligibility for any other form of parole or  
14        release, including any subsequent application for compassionate  
15        release.

16           (d) Absent a material change or change in circumstance of  
17        the individual's medical condition, an individual whose  
18        compassionate release has been revoked shall not be eligible to  
19        apply for compassionate release for at least six months after  
20        the revocation of their compassionate release.



**§353- Reporting.** (a) The department shall collect and maintain the following data on compassionate release of incarcerated persons pursuant to this subpart, which shall be compiled into an annual report that shall be made publicly available no later than [REDACTED] of each year:

6 (1) The number of applications for compassionate release  
7 received by the department;

8 (2) The number of applications for compassionate release  
9 forwarded to the authority; and

10 (3) For each applicant who has applied for compassionate  
11 release:

12 (A) Where the applicant was housed at the time the  
13 application was submitted;

14 (B) If the application was initiated by the  
15 department's medical staff, the incarcerated  
16 person, or the incarcerated person's  
17 representative;

18 (C) The highest class of instant offense committed by  
19 the applicant;

20 (D) How long the applicant had been incarcerated at  
21 the time of application; and



1 (E) If the applicant died prior to a decision or  
2 after being granted compassionate release but  
3 prior to release from custody.

4 (b) The authority shall collect and maintain the following  
5 data on compassionate release of incarcerated persons pursuant  
6 to this subpart, which shall be compiled into an annual report  
7 that shall be made publicly available no later  
8 than of each year:

13 (2) The number of incarcerated persons whose application  
14 for compassionate release was denied by the authority,  
15 disaggregated by race, ethnicity, age, and gender  
16 identity;

17 (3) The length of time between submission of the  
18 application, the release decision, and the release  
19 date;

20 (4) The number of incarcerated persons approved for  
21 compassionate release but whose release was delayed by



1 more than fifteen days from the date of the hearing  
2 and the reason for the delay; and

3 (5) The number of incarcerated persons returned to the  
4 custody of the department after being granted  
5 compassionate release.

6 **S353- Administrative rules; working group.** (a) The  
7 department, authority, and Hawaii correctional system oversight  
8 commission shall convene a working group to develop  
9 administrative rules to implement the purposes of this subpart.

10 (b) The working group shall consist of the following  
11 members or their designees:

12 (1) The director of corrections and rehabilitation;  
13 (2) The medical director for the department of corrections  
14 and rehabilitation;  
15 (3) The chair of the Hawaii paroling authority;  
16 (4) The chair of the Hawaii correctional system oversight  
17 commission;  
18 (5) A formerly incarcerated individual, to be jointly  
19 appointed by the director of corrections and  
20 rehabilitation, chair of the Hawaii paroling



1 authority, and chair of the Hawaii correctional system  
2 oversight commission, who:

3 (A) Worked as a medical aide while in the custody of  
4 the department;

5 (B) Has direct knowledge or experience of complex  
6 medical issues while in the custody of the  
7 department; or

8 (C) Was granted release;

9 (6) An attorney with experience in applying for or  
10 representing an incarcerated person seeking  
11 compassionate release, to be jointly appointed by the  
12 director of corrections and rehabilitation, chair of  
13 the Hawaii paroling authority, and chair of the Hawaii  
14 correctional system oversight commission; and

15 (7) A subject matter expert in compassionate release  
16 research, policy, and practice, to be jointly  
17 appointed by the director of corrections and  
18 rehabilitation, chair of the Hawaii paroling  
19 authority, and chair of the Hawaii correctional system  
20 oversight commission.



5 SECTION 3. Chapter 353, Hawaii Revised Statutes, is  
6 amended by designating sections 353-61 to 353-72 as subpart A  
7 and inserting a title before section 353-61 to read as follows:

**8** "A. Hawaii Paroling Authority - General Provisions."

**10** SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Carol Johnson



S.B. NO. **2688**

**Report Title:**

Hawaii Paroling Authority; Department of Corrections and Rehabilitation; Compassionate Release

**Description:**

Establishes a protocol for compassionate release for certain ill or seriously debilitated incarcerated persons.

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

