
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 situation is due in
5 part to an aging prison population and in part to the generally
6 poor 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 the person's chronological age due to prior lack of medical
12 care, drug use, and the stress of incarceration. As of mid-
13 September 2025, the Department of Corrections and Rehabilitation
14 housed nine hundred ninety-six incarcerated persons fifty years
15 of age or older, including over eighty incarcerated persons who
16 were seventy or more years old. Concern over how society should
17 deal 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. However, the estimated total annual taxpayer cost per
9 high-acuity, medically complex incarcerated person is six to
10 eight times higher at \$650,000 to \$900,000 per year, and in some
11 cases, exceeds several million dollars per person per year.
12 This sum is attributed to costs related to a critically ill
13 person's poor health, including specialty appointments, medical
14 equipment, non-formulary prescriptions, laboratory tests and
15 imaging, surgeries, Medevac flights, emergency room admissions,
16 hospitalizations, transportation to and from appointments, and
17 overtime pay for corrections officers who must accompany
18 incarcerated individuals 24/7 when off-site for care.

19 The legislature additionally finds that parole board
20 members, with the aid of medical and correctional professionals,
21 are able to make informed decisions about granting compassionate



1 release. Release policies are also supported by recidivism
2 research, which shows that arrest rates drop to slightly more
3 than two per cent for persons ages fifty to sixty-five years
4 old, and to almost zero percent for those older than sixty-five.

5 The legislature further finds that compassion is an
6 expression of the aloha spirit and that compassionate release of
7 seriously ill and debilitated incarcerated persons reflects the
8 State's commitment to dignity, humanity, and justice.

9 Accordingly, the purpose of this Act is to create a
10 compassionate release protocol for certain ill or seriously
11 debilitated incarcerated persons with the express intent that
12 all incarcerated persons who qualify for release are considered
13 for release to the community in a fair, just, and expeditious
14 manner.

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

18 " . . . Compassionate Release

19 §353- Definitions. As used in this subpart:

20 "Authority" means the Hawaii paroling authority.



1 "Compassionate release" means the release of an
2 incarcerated person before the expiration of the incarcerated
3 person's sentence due to the incarcerated person's terminal
4 illness or debilitating or irreversible condition.

5 "Debilitating or irreversible condition" means a persistent
6 or progressive medical, cognitive, or mental health condition
7 that compromises an incarcerated person's ability to perform one
8 or more activities of daily living or significantly compromises
9 an incarcerated person's quality of life.

10 "Director" means the director of corrections and
11 rehabilitation.

12 "Incarcerated person" means a person committed to the
13 custody of the director who has been convicted of one or more
14 felony offenses.

15 "Incarcerated person's representative" means an attorney,
16 family member, or other person, including another incarcerated
17 person, who is assisting the incarcerated person in initiating
18 an application for compassionate release or navigating the
19 compassionate release process.



1 "Terminal illness" means a progressive medical condition
2 with a predictably poor prognosis that is expected to result in
3 death.

4 **§353- Referral.** The director shall have an affirmative
5 and ongoing duty to identify incarcerated persons who may meet
6 the criteria for compassionate release pursuant to this subpart
7 and shall refer such incarcerated persons to the authority for
8 possible compassionate release as provided by this subpart.

9 **§353- Compassionate release; authority to release;**
10 **process.** (a) An incarcerated person may be considered for
11 compassionate release if the incarcerated person:

- 12 (1) Has a terminal illness;
- 13 (2) Has a debilitating or irreversible condition;
- 14 (3) Is too ill or cognitively impaired to participate in
15 rehabilitation or to be aware of punishment; or
- 16 (4) Has a condition, combination of conditions, or medical
17 needs that requires a complexity of treatment or level
18 of care that the department is unable to provide on a
19 long-term basis or the incarcerated person's medical
20 needs would otherwise be more appropriately able to be
21 managed in a community setting.



1 (b) The department shall promptly identify incarcerated
2 persons who meet the criteria for compassionate release under
3 subsection (a) and assist the incarcerated person in applying
4 for compassionate release, including developing a plan that
5 meets the medical and physical needs of the incarcerated person.

6 (c) An application for compassionate release may be
7 initiated by the department's medical staff, an incarcerated
8 person, or an incarcerated person's representative.

9 (d) The director shall submit all applications for
10 compassionate release to the authority within fifteen business
11 days from the date of the original request, along with the
12 director's recommendation for or against compassionate release,
13 the reasons for the director's recommendation, and any other
14 documents the director deems appropriate to assist the authority
15 in making a decision for or against release; provided that if it
16 appears that an application for compassionate release clearly
17 does not meet the criteria for compassionate release or is
18 clearly frivolous, the director may hold the request and not
19 submit it to the authority until it is supported by a report
20 from a licensed physician stating that, to a reasonable degree
21 of medical probability, the incarcerated person meets the



1 criteria for release. The incarcerated person or the
2 incarcerated person's representative shall be responsible for
3 obtaining the physician's report; provided that if the
4 incarcerated person or the incarcerated person's representative
5 is unable to obtain the physician's report due to medical,
6 cognitive, or financial limitations, the department shall
7 provide the incarcerated person or the incarcerated person's
8 representative with reasonable assistance in obtaining the
9 physician's report.

10 (e) The authority shall hold an administrative hearing to
11 consider an application for compassionate release no later than
12 ten business days after receiving an application for
13 compassionate release from the director. At least forty-eight
14 hours before an incarcerated person's hearing, the authority
15 shall provide notice of the hearing to the prosecuting attorney
16 of the applicable county. The authority shall grant release in
17 accordance with subsection (f).

18 (f) The authority shall grant compassionate release and
19 release the incarcerated person to an appropriate community
20 setting unless the authority finds that the incarcerated person
21 does not meet the medical criteria under subsection (a) for



1 compassionate release or that the incarcerated person presently
2 poses an unreasonable risk to public safety. If the authority
3 denies an application for compassionate release, the authority
4 shall state the reasons for the denial and shall notify the
5 incarcerated person or the incarcerated person's representative
6 of its decision. A denial of compassionate release may not be
7 appealed and shall not create a private right of action.

8 (g) Denial of compassionate release by the authority shall
9 not affect an incarcerated person's eligibility for any other
10 form of parole or release under any applicable federal or state
11 law; provided that the incarcerated person or the incarcerated
12 person's representative shall not reapply or be reconsidered for
13 compassionate release unless there is a significant change in
14 the incarcerated person's medical condition or any other
15 material factor.

16 (h) A grant of compassionate release shall not be subject
17 to the sixty-day notice requirement of section 706-669(5). At
18 least forty-eight hours before an incarcerated person's hearing,
19 the authority shall provide notice of the hearing to the
20 prosecuting attorney of the applicable county.



1 (i) Notwithstanding any law to the contrary, all persons
2 incarcerated by the State, including but not limited to persons
3 serving a mandatory minimum sentence or persons sentenced to
4 life without parole, shall be eligible for compassionate release
5 pursuant to this subpart. A mandatory minimum sentence or
6 sentence of life without parole shall not preclude eligibility
7 for compassionate release pursuant to this subpart.

8 **§353- Conditions of release.** (a) The authority shall
9 set reasonable conditions for an incarcerated person's
10 compassionate release, which shall take into consideration the
11 incarcerated person's medical conditions and abilities.

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

14 **§353- Revocation of compassionate release.** (a) The
15 authority may order an individual granted compassionate release
16 pursuant to this subpart to be returned to the custody of the
17 director to await a revocation hearing if the authority receives
18 credible information that the individual has failed in a
19 significant way to comply with the conditions established by the
20 authority for the individual's compassionate release.



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

5 (c) Revocation of compassionate release shall not affect
6 an individual's eligibility for any other form of parole or
7 release, including any subsequent application for compassionate
8 release.

9 (d) Absent a material change or change in circumstance of
10 the individual's medical condition, an individual whose
11 compassionate release has been revoked shall not be eligible to
12 apply for compassionate release for at least six months after
13 the revocation of the individual's compassionate release.

14 **§353- Reporting.** (a) The department shall collect and
15 maintain the following data on compassionate release of
16 incarcerated persons pursuant to this subpart, which shall be
17 compiled into an annual report that shall be made publicly
18 available no later than of each year:

19 (1) The number of applications for compassionate release
20 received by the department;



- 1 (2) The number of applications for compassionate release
2 forwarded to the authority; and
- 3 (3) For each applicant who has applied for compassionate
4 release:
- 5 (A) Where the applicant was housed at the time the
6 application was submitted;
- 7 (B) If the application was initiated by the
8 department's medical staff, the incarcerated
9 person, or the incarcerated person's
10 representative;
- 11 (C) The highest class of instant offense committed by
12 the applicant;
- 13 (D) How long the applicant had been incarcerated at
14 the time of application; and
- 15 (E) If the applicant died prior to a decision or
16 after being granted compassionate release but
17 prior to release from custody.
- 18 (b) The authority shall collect and maintain the following
19 data on compassionate release of incarcerated persons pursuant
20 to this subpart, which shall be compiled into an annual report



1 that shall be made publicly available no later

2 than of each year:

3 (1) The number of incarcerated persons granted
4 compassionate release by the authority pursuant to
5 this subpart, disaggregated by race, ethnicity, age,
6 and gender identity;

7 (2) The number of incarcerated persons whose application
8 for compassionate release was denied by the authority,
9 disaggregated by race, ethnicity, age, and gender
10 identity;

11 (3) The length of time between submission of the
12 application, the release decision, and the release
13 date;

14 (4) The number of incarcerated persons approved for
15 compassionate release but whose release was delayed by
16 more than fifteen days from the date of the
17 administrative hearing and the reason for the delay;
18 and

19 (5) The number of incarcerated persons returned to the
20 custody of the department after being granted
21 compassionate release.



1 §353- **Administrative rules; working group.** (a) The
2 department, authority, and Hawaii correctional system oversight
3 commission shall convene a working group to develop
4 administrative rules to implement the purposes of this subpart.

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

7 (1) The director of corrections and rehabilitation;

8 (2) The medical director for the department of corrections
9 and rehabilitation;

10 (3) The chair of the Hawaii paroling authority;

11 (4) The chair of the Hawaii correctional system oversight
12 commission;

13 (5) A formerly incarcerated individual, to be jointly
14 appointed by the director of corrections and
15 rehabilitation, chair of the Hawaii paroling
16 authority, and chair of the Hawaii correctional system
17 oversight commission, who:

18 (A) Worked as a medical aide while in the custody of
19 the department;



- 1 (B) Has direct knowledge or experience of complex
2 medical issues while in the custody of the
3 department; or
- 4 (C) Was granted release;
- 5 (6) An attorney with experience in applying for or
6 representing an incarcerated person seeking
7 compassionate release, to be jointly appointed by the
8 director of corrections and rehabilitation, chair of
9 the Hawaii paroling authority, and chair of the Hawaii
10 correctional system oversight commission; and
- 11 (7) A subject-matter expert in compassionate release
12 research, policy, and practice, to be jointly
13 appointed by the director of corrections and
14 rehabilitation, chair of the Hawaii paroling
15 authority, and chair of the Hawaii correctional system
16 oversight commission.
- 17 (c) The administrative rules developed by the working
18 group shall be adopted pursuant to chapter 91 by the department
19 and authority no later than twenty days prior to the convening
20 of the regular session of 2028."



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

4 "A. Hawaii Paroling Authority - General Provisions."

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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