
A BILL FOR AN ACT

RELATING TO PAROLE ELIGIBILITY.

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

1 SECTION 1. The legislature finds that participation in
2 treatment, work furlough, and other programs designed to assist
3 committed persons with successful reintegration back into the
4 community enhances rehabilitation and reduces recidivism. The
5 legislature further finds that treatment programs address
6 substance abuse and alcohol addiction, mental health illness,
7 and deviant sexual behaviors; work furlough provides
8 opportunities to secure employment, increase financial
9 stability, resocialize with family and support networks, and
10 secure housing before release; and other programs, such as those
11 focused on cognitive skills, parenting skills, and anger
12 management, enhance skills to manage daily living activities and
13 challenging situations.

14 Accordingly, the purpose of this Act is to expand the types
15 of programs in which a committed person can participate to be
16 eligible for parole to include treatment, work furlough, and
17 other programs designed for successful reintegration.



1 SECTION 2. Section 353-64, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§353-64~~ **Committed persons paroled.** Any committed person
4 confined in any state correctional facility in execution of any
5 sentence imposed upon the committed person, except in cases
6 where the penalty of life imprisonment not subject to parole has
7 been imposed, shall be subject to parole in the manner and form
8 as set forth in this part; provided that the committed person
9 shall be paroled in the county where the committed person had a
10 permanent residence or occupation or employment [~~prior to~~]
11 before incarceration, unless[+] the committed person will:

12 (1) [~~The committed person will reside~~] Reside in a county
13 in which the population exceeds [~~eight hundred~~] eight
14 hundred thousand persons;

15 (2) [~~The committed person will be~~] Be released for
16 immediate departure from the State; or

17 (3) [~~The committed person shall be~~] Be released to the
18 county in the State in which the committed person has
19 the greatest family or community support,
20 opportunities for employment, job training, education,
21 treatment, and other social services, as determined by



1 the Hawaii paroling authority; provided that to be
2 considered for parole to another county in the State,
3 the committed person shall provide a written request
4 to the department [~~not~~] no less than six months [~~prior~~
5 ~~to~~] before the expiration of the committed person's
6 longest minimum sentence[~~-~~
7 Provided]; provided further that, to be eligible for parole, the
8 committed person, if the person is determined by the department
9 to be suitable for participation, [~~must~~] shall have been a
10 participant in an academic, treatment, or vocational education[~~-~~
11 ~~or~~] program, including participation in work furlough if so
12 recommended; prison industry program; or other programs designed
13 to assist the committed person with successful reintegration
14 back into the community. Such programs shall be authorized by
15 the department, and [~~must~~] the committed person shall have been
16 involved in or completed the [~~program~~] programs to the
17 satisfaction of the department[~~;- and provided further that~~
18 ~~this~~]. This precondition for parole shall not apply if the
19 committed person is in a correctional facility where [~~academic,~~
20 ~~vocational education, and prison industry~~] the required programs
21 or related facilities are not available. A grant of parole



1 shall not be subject to acceptance by the committed person[-],
2 and the foregoing program participation requirements may be
3 waived at the discretion of the Hawaii paroling authority. If
4 the committed person is eligible for movement to a facility
5 where recommended programming is available and the department
6 fails to move the individual to a facility where such
7 programming is available, the Hawaii paroling authority shall
8 waive the program requirements for that person and shall not
9 deny parole due to failure to participate in that program."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Parole Eligibility; Required Programs

Description:

Expands the types of programs in which a committed person may participate to be eligible for parole. Effective 7/1/3000.
(HD2)

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