
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 aging or
8 elderly incarcerated persons as being aged fifty-five years or
9 older, and many correctional institutions estimate that an
10 incarcerated person's physiological age is ten to fifteen years
11 older than their 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 the State is \$307 per day or \$112,055 per
8 year. Therefore the average cost to house the State's nine
9 hundred ninety-six older incarcerated persons is \$305,000 per
10 day, or \$111,000,000 per year, not including the cost of higher
11 staffing needs, medications, and hospitalizations that are
12 associated 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 per cent for those older than sixty-
20 five.



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

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

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

14 " . Compassionate Release

15 **§353- Definitions.** As used in this subpart:

16 "Authority" means the Hawaii paroling authority.

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



1 "Debilitating, chronic, or irreversible condition" means a
2 persistent or progressive medical, cognitive, or mental health
3 condition that compromises an incarcerated person's ability to
4 perform one or more activities of daily living or significantly
5 compromises an incarcerated person's quality of life.

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

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

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

17 **§353- Referral.** The director shall have an affirmative
18 and ongoing duty to identify incarcerated persons who may meet
19 the criteria for compassionate release pursuant to this subpart
20 and shall refer the incarcerated persons to the authority for
21 possible compassionate release as provided by this subpart.



1 **§353- 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; or
5 (2) Is too ill or cognitively impaired to participate in
6 rehabilitation or to be aware of punishment.
7 (b) The department shall promptly identify incarcerated
8 persons who meet the criteria for compassionate release under
9 subsection (a) and assist the incarcerated person in applying
10 for compassionate release, including developing a plan that
11 meets the medical and physical needs of the incarcerated person.
12 (c) An application for compassionate release may be
13 initiated by the department's medical staff, an incarcerated
14 person, or an incarcerated person's representative.
15 (d) The director shall submit all applications for
16 compassionate release to the authority within fifteen business
17 days from the date of the original request, along with the
18 director's recommendation for or against compassionate release,
19 the reasons for the director's recommendation, and any other
20 documents the director deems appropriate to assist the authority
21 in making a decision for or against release; provided that if it



1 appears that an application for compassionate release clearly
2 does not meet the criteria for compassionate release or is
3 clearly frivolous, the director may hold the request and not
4 submit it to the authority until it is supported by a report
5 from a licensed physician stating that, to a reasonable degree
6 of medical probability, the incarcerated person meets the
7 criteria for release. The incarcerated person or the
8 incarcerated person's representative shall be responsible for
9 obtaining the physician's report; provided that if the
10 incarcerated person or the incarcerated person's representative
11 is unable to obtain the physician's report due to medical,
12 cognitive, or financial limitations, the department shall
13 provide the incarcerated person or the incarcerated person's
14 representative with reasonable assistance in obtaining the
15 physician's report.

16 (e) The authority shall hold an administrative hearing to
17 consider an application for compassionate release no later than
18 ten business days after receiving an application for
19 compassionate release from the director and shall grant release
20 in accordance with subsection (f).



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

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

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



1 (i) The authority shall notify the victim and prosecuting
2 attorney of any incarcerated person released pursuant to this
3 subpart.

4 (j) Notwithstanding any law to the contrary, all persons
5 incarcerated by the State, except persons sentenced to life
6 without possibility of parole, shall be eligible for
7 compassionate release pursuant to this subpart. A mandatory
8 minimum sentence shall not preclude eligibility for
9 compassionate release pursuant to this subpart.

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

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

16 **§353- Revocation of compassionate release.** (a) The
17 authority may order an individual granted compassionate release
18 pursuant to this subpart to be returned to the custody of the
19 director to await a revocation hearing if the authority receives
20 credible information that the individual has failed in a



1 significant way to comply with the conditions established by the
2 authority for the individual's compassionate release.

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

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

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

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



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



1 to this subpart, which shall be compiled into an annual report
2 that shall be made publicly available no later
3 than of each year:

- 4 (1) The number of incarcerated persons granted
5 compassionate release by the authority pursuant to
6 this subpart, disaggregated by race, ethnicity, age,
7 and gender identity;
- 8 (2) The number of incarcerated persons whose application
9 for compassionate release was denied by the authority,
10 disaggregated by race, ethnicity, age, and gender
11 identity;
- 12 (3) The length of time between submission of the
13 application, the release decision, and the release
14 date;
- 15 (4) The number of incarcerated persons approved for
16 compassionate release but whose release was delayed by
17 more than fifteen days from the date of the hearing
18 and the reason for the delay; 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. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2026-2027 for
8 the department of corrections and rehabilitation to implement
9 the compassionate release requirements established by section 2
10 of this Act and for adequate healthcare facility placements.

11 The sum appropriated shall be expended by the department of
12 corrections and rehabilitation for the purposes of this Act.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Establishes a protocol for compassionate release for certain ill or seriously debilitated incarcerated persons. Appropriates funds. Effective 7/1/2050. (SD1)

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