

A Bill for an Act Relating to Minimum Sentencing by the Board of Paroles and Pardons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Within one year after the effective date of this Act, the board of paroles and pardons shall undertake a comprehensive review of the minimum sentences of all prisoners sentenced prior to the effective date of Act 264, Session Laws of Hawaii 1967, and shall refix the minimum sentences of such prisoners, subject to the approval of the governor. In determining new minimum sentences pursuant to this Act, the board shall not consider the conduct of any prisoner subsequent to his incarceration and shall refix the minimum term of each prisoner as if he were a new prisoner. In no event shall the minimum sentence of any prisoner be increased, and the rehabilitative policies currently employed in fixing minimum sentences of all prisoners shall be followed in refixing minimum sentences pursuant to this Act. The governor may delegate his authority to approve or disapprove a sentence refixed by the board to the director of social services in any particular case, class of cases or all cases.

SECTION 2. Whenever a minimum sentence is refixed pursuant to this Act, it shall be further reduced by any reductions in sentence earned by the prisoner concerned under the provisions of Sections 353-39, 353-44, 353-45 and 353-46, Hawaii Revised Statutes.

SECTION 3. This Act is applicable only to the refixing of certain minimum sentences within one year of its effective date as set forth in Section 1, and nothing in this Act shall be construed as in any way affecting the procedures established by law for refixing minimum sentences generally.

SECTION 4. This Act shall take effect upon its approval.
(Approved June 23, 1970.)