

ACT 92

S.B. NO. 75

A Bill for an Act Relating to the Hawaii Paroling Authority.

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

SECTION 1. The purpose of this Act is to reconstitute the board of paroles and pardons as a professional board with full-time paid chairman and part-time paid members in order more effectively and efficiently to achieve the dual and inseparable purposes of parole, the protection of society on the one hand and the rehabilitation of the offender on the other.

SECTION 2. Section 353-61, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 353-61 Hawaii paroling authority; appointment; tenure; qualifications. Members of the paroling authority shall be nominated by a panel composed of the chief justice of the Hawaii supreme court, the director of the department of social services, the president of the Hawaii correctional association, the president of the Hawaii bar association of Hawaii, the head of the Hawaii council of churches, a member from the general public to be appointed by the governor and the president of the Hawaii chapter of the national association of social workers. The panel shall submit to the governor the names of not less than three persons, designated as the nominees, for chairman or as a member, for each vacancy. The governor shall appoint, in the manner prescribed by section 26-34, a paroling authority to be known as the Hawaii paroling authority, to consist of three members one of whom shall be designated chairman. Of the members first appointed after the effective date of this Act, the member designated as chairman shall be appointed for a term of four years, one

member shall be appointed for a term of three years, and one member shall be appointed for a term of two years; thereafter all appointments shall be made for terms of four years, commencing from the date of expiration of the last preceding term. Any vacancy in an unexpired term shall be filled by appointment for the remainder of the unexpired term. Nominees to the authority shall be selected on the basis of their qualifications to make decisions that will be compatible with the welfare of the community and of individual offenders, including their background and ability for appraisal of offenders and the circumstances under which offenses were committed."

SECTION 3. Section 353-62, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 353-62 Hawaii paroling authority; responsibilities and duties; operations; records, reports, staff. (a) In addition to any other responsibility or duty prescribed by law for the Hawaii paroling authority, the paroling authority shall:

- (1) Serve as the central paroling authority for the State;
 - (2) In selecting individuals for parole, consider for parole all committed persons, except in cases where the penalty of life imprisonment not subject to parole has been imposed, regardless of the nature of the offense committed;
 - (3) Determine the time at which parole shall be granted to any eligible individual as that time at which maximum benefits of the correctional institutions to the individual have been reached and the element of risk to the community is minimal;
 - (4) Establish rules of operation to determine conditions of parole applicable to any individual granted parole;
 - (5) Provide continuing custody, control, and supervision of paroled individuals;
 - (6) Revoke or suspend parole and provide for the authorization of return to a correctional institution for any individual who violates parole or any condition of parole;
 - (7) Discharge an individual from parole when supervision is no longer needed;
 - (8) Interpret the parole program to the public in order to develop a broad base of public understanding and support; and
 - (9) Recommend to the legislature sound parole legislation and recommend to the governor sound parole administration.
- (b) In its operations the paroling authority shall:
- (1) Keep and maintain a record of all meetings and proceedings;
 - (2) Send a detailed report of its operations to the governor every three months;
 - (3) In promulgating rules, conform to chapter 91;
 - (4) In all matters act by a majority of its members; and
 - (5) Appoint an administrative secretary and such other clerical and other assistants as may be necessary within the limits of available appropriations, subject to any applicable salary classification and civil service schedules, laws, and rules."

SECTION 4. Section 353-63, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 353-63 Service of Hawaii paroling authority members compensation; expenses. The chairman of the Hawaii paroling authority shall serve on a full-time basis. The other two members shall serve on a part-time basis. The annual salary of the chairman shall be \$37,500. The compensation of each of the members shall be eighty per cent of the hourly wage paid the chairman. All paroling authority members shall receive their necessary expenses for travel and incidentals which shall be paid from appropriations provided the authority for such purposes, on vouchers approved by the director of social services.”

SECTION 5. (a) The Hawaii paroling authority provided for in this Act shall succeed to all of the rights and powers exercised, and all of the duties and obligations incurred by the part-time board of paroles and pardons that it replaces in the exercise of the functions transferred. All references in any law, rule, regulation, contract, or document to the part-time board of paroles and pardons in connection with the functions transferred by this Act shall apply to the newly established Hawaii paroling authority established by this Act.

(b) All employees of the former part-time board of paroles and pardons may be transferred to the newly established Hawaii paroling authority established by this Act. No employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act. In the event that an office or position held by any employee having tenure is abolished, the employee shall not thereby be separated from public employment but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the employee is eligible under the personnel laws of the State.

(c) All records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations, and other property heretofore made, used, acquired, or held by the former part-time board of paroles and pardons in the exercise of the functions transferred by this Act shall be transferred to the newly established Hawaii paroling authority established by this Act.

(d) This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

(e) The governor shall, by executive order, after the appointment of the three members of the Hawaii paroling authority, establish the date for the succession of rights and powers, the assumption of all functions, and the transferrals provided by this section and the members of the board of paroles and pardons shall continue to serve until the appointment of all members of the Hawaii paroling authority.

SECTION 6. Section 26-14, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 26-14 Department of social services and housing. The department of social services and housing shall be headed by a single executive to be known as the director of social services.

There shall be within the department of social services and housing a commission to be known as the board of social services which shall sit in an advisory capacity to the director of social services on matters within the jurisdiction of the department of social services and housing. The board shall consist of nine members, one from each senatorial district and three at large, and the director of health as an ex officio nonvoting member.

There shall also be within the department a commission to be known as the board of vocational rehabilitation which shall sit in an advisory capacity to the head of that division charged with the administration of vocational rehabilitation laws and allied services. The board shall consist of eleven members, one from each judicial circuit and four at large, with the directors of health and labor, and the superintendent of education, as ex officio voting members.

The department shall administer programs designed to improve the social well-being and productivity of the people of the State. Without limit to the generality of the foregoing, the department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of adult and juvenile offenders, public housing, and other related programs as provided by law.

The Hawaii housing authority, as now constituted by chapter 356 shall be a constituent corporate unit of the department of social services and housing with the director of social services as an additional commissioner, ex officio, of the housing authority, serving for a term consistent with his appointment. Notwithstanding any other provisions of this chapter, but subject to the administrative control of the director of social services, the functions, duties, and powers of the housing authority, as heretofore provided by law, shall be vested in the Hawaii housing authority.

The Hawaii paroling authority is placed within the department of social services and housing for administrative purposes only.

The functions and authority heretofore exercised by the department of public welfare, the department of institutions (except for Waimano home and the state hospital transferred to the department of health), the boards of prison inspectors, the bureau of sight conservation and work with the blind (except for the transcription services program transferred to the department of education), the council on veterans' affairs, and any other agency of the state or county governments with respect to the assistance and care of the indigent and medically indigent as heretofore constituted are transferred to the department of social services and housing established by this chapter."

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1.00, or so much thereof as may be necessary, for the salary, wages, and expenses of the Hawaii paroling authority members.

SECTION 8. The revisor of statutes shall change the name of "board of paroles and pardons" to "Hawaii paroling authority" wherever found in the Hawaii Revised Statutes, including, but not limited to, sections 26-14, 353-65, 353-66, 353-67, 353-68, 353-69, 353-70, 353-71, 353-72, and also sections 669 and

670, Hawaii Revised Statutes, title 37, Hawaii Penal Code.

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved May 13, 1976.)

*Edited accordingly.