

A Bill for an Act Relating to Parole Procedure.

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

SECTION 1. Section 706-670, Hawaii Revised Statutes, is amended as follows:

“§706-670 Parole procedure; release on parole; terms of parole, recommitment, and reparole [; final unconditional release]. (1) Parole hearing. A person sentenced to an indeterminate term of imprisonment shall receive an initial parole hearing at least one month before the expiration of the minimum term of imprisonment determined by the Hawaii paroling authority pursuant to section 706-669. If parole is not granted at that time, additional hearings shall be held at twelve-month intervals or less until parole is granted or the maximum period of imprisonment expires.

(2) Prisoner’s plan and participation. Each prisoner shall be given reasonable notice of his parole hearing and shall prepare a parole plan, setting forth the manner of life he intends to lead if released on parole, including specific information as to where and with whom he will reside and what occupation or employment he will follow. The institutional parole staff shall render reasonable aid to the prisoner in the preparation of his plan and in securing information for submission to the authority. In addition, he shall:

- (a) Be permitted to consult with any persons whose assistance he reasonably desires, including his own legal counsel, in preparing for a hearing before the authority;
- (b) Be permitted to be represented and assisted by counsel at the hearing;
- (c) Have counsel appointed to represent and assist him if he so requests and cannot afford to retain counsel; and
- (d) Be informed of his rights under (a), (b), and (c).

(3) Authority’s decision [.]; initial minimum term of parole. The authority shall render its decision regarding a prisoner’s release on parole within a reasonable time after the parole hearing. If the authority denies parole after the hearing, it shall state its reasons in writing. A verbatim stenographic or mechanical record of the

parole hearing shall be made and preserved in transcribed or untranscribed form. The authority may in its discretion order a reconsideration or rehearing of the case at any time. If parole is granted by the authority, the authority shall set the initial minimum length of the parole term.

(4) Release upon expiration of maximum term. If the authority fixes no earlier release date, a prisoner's release shall become mandatory at the expiration of his maximum term of imprisonment.

(5) Sentence of imprisonment includes separate parole term[; length of parole term]. A sentence to an indeterminate term of imprisonment under this chapter includes as a separate portion of the sentence a term of parole or of recommitment for violation of the conditions of parole [which governs the duration of parole or recommitment after the prisoner's first conditional release on parole. The maximum of such term shall be ten years. The minimum length of the term of parole or recommitment shall be determined by the authority].

(6) Revocation hearing. When a parolee has been recommitted, the authority shall hold a hearing within sixty days after his return to determine whether his parole should be revoked. The parolee shall have reasonable notice of the grounds alleged for revocation of his parole. The institutional parole staff shall render reasonable aid to the parolee in preparation for the hearing. In addition, the parolee shall have, with respect to the revocation hearing, those rights set forth in subsection (2)(a), (2)(b), (2)(c), and (2)(d). A record of the hearing shall be made and preserved as provided in subsection (3).

(7) Length of recommitment and reparole after revocation of parole. If a parolee's parole is revoked, the term of further imprisonment upon such recommitment and of any subsequent reparole or recommitment under the same sentence shall be fixed by the authority but shall not exceed in aggregate length the unserved balance of the maximum [parole term provided by subsection (5).] term of imprisonment.

[(8) Final unconditional release. When his maximum parole term has expired or he has been sooner discharged from parole, a prisoner shall be deemed to have served his sentence and shall be released unconditionally.]”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 5, 1983.)