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H.B. NO. 2611

A Bill for an Act Relating to Family Court.

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

SECTION 1. Section 352-9, Hawaii Revised Statutes, is amended to read as follows:

“§352-9 Period committed. (a) All persons committed to the Hawaii youth correctional facilities shall be committed for the period of their minority or as otherwise ordered by the court. Such persons may be placed on furlough or parole if deemed appropriate. The power to discharge a committed person is reserved to the director [subject to] provided that the director [giving] shall give a thirty-day notice of such intended discharge to the appropriate court [to afford the court an opportunity to order otherwise] and to the prosecutor’s office of the appropriate county. In any case, no person nineteen years¹ or older shall be incarcerated in a youth correctional facility.

(b) In those cases where the term of commitment extends beyond the person’s nineteenth birthday, the person shall be placed on juvenile parole pursuant to the original family court order for the balance of the person’s term of commitment; provided that such term does not extend beyond the person’s twentieth birthday unless earlier terminated.”

SECTION 2. Section 352-25, Hawaii Revised Statutes, is amended to read as follows:

“§352-25 Furlough, parole, discharge. The director, for good reasons shown to the director’s satisfaction, may furlough or parole any person committed to the director’s custody. The director shall give the court and the prosecutor’s office of the appropriate county a thirty-day notice prior to discharging a committed person [to afford the court an opportunity to order otherwise]. Court approval shall be obtained when such is specifically required in accordance with section 352-29(a)(3).

No furlough, parole, or discharge shall be granted unless it appears to the director that there is a reasonable probability that the person will not violate the law and that the person’s release is not incompatible with the welfare and safety of society.

The form of furlough or parole may include return to the person’s own home, transfer to another youth correctional facility, a group home or foster

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home placement, or other appropriate alternative. Non-residential programs may be made available to selected persons on furlough such that they return to the facility during nontreatment hours.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 31, 1990.)

Note

1. So in original.