

## ACT 201

H.B. NO. 1467

A Bill for an Act Relating to Parole.

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

SECTION 1. Section 353-64, Hawaii Revised Statutes, is amended to read as follows:

**“§353-64 Committed persons paroled.** Any committed person confined in any state correctional facility in execution of any sentence imposed upon the committed person, except in cases where the penalty of life imprisonment not subject to parole has been imposed, shall be subject to parole in manner and form as set forth in this part; provided that the committed person shall be paroled in the county where the committed person had a permanent residence or occupation or employment prior to incarceration, unless:

- (1) The committed person will reside in a county in which the population exceeds eight-hundred thousand persons; or
- (2) The committed person will be released for immediate departure from the State.

[provided] Provided further that to be eligible for parole, the committed person, if the person is determined by the department to be suitable for participation, must have been a participant in an academic, vocational education, or prison industry program authorized by the department and must have been involved in or completed the program to the satisfaction of the department; and provided further that this precondition for parole shall not apply if the committed person is in a correctional facility where academic, vocational education, and prison industry programs or facilities are not available.”

SECTION 2. Section 706-670, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

“(3) Prisoner’s plan and participation. Each prisoner shall be given reasonable notice of [his] the prisoner’s parole hearing and shall prepare a parole plan, setting forth the manner of life [he] the prisoner intends to lead if released on parole, including specific information as to where and with whom [he] the prisoner

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will reside and what occupation or employment [he] the prisoner will follow. The prisoner shall be paroled in the county where the prisoner had a permanent residence or occupation or employment prior to the prisoner's incarceration, unless:

(a) The prisoner will reside in a county in which the population exceeds eight-hundred thousand persons; or

(b) The prisoner will be released for immediate departure from the State. The institutional parole staff shall render reasonable aid to the prisoner in the preparation of [his] the prisoner's plan and in securing information for submission to the authority. In addition, [he] the prisoner shall:

(a) Be permitted to consult with any persons whose assistance [he] the prisoner reasonably desires, including [his] the prisoner's 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] the prisoner if [he] the prisoner so requests and cannot afford to retain counsel; and

(d) Be informed of [his] the prisoner's rights [under (a), (b), and (c).] as set forth in this subsection."

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 June 10, 1993.)