

ACT 338

H.B. NO. 1773

A Bill for an Act Relating to a Program of Regimental Discipline for Corrections.

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

SECTION 1. The legislature finds and declares that it is in the interest of the State to:

- (1) Reduce prison overcrowding and cost by placing selected first-time offenders in a fast-track intermediate sanction program;
- (2) Increase deterrence and reduce recidivism by giving the offender a clear and unpleasant view of prison life through realities of confinement, rigorous physical training, and continuous reinforcement and monitoring of desirable, law-abiding behavior within and without the institution;
- (3) Achieve punishment through the use of short-term shock incarceration;
- (4) Ensure public safety by keeping offenders confined under rigorous control; and
- (5) Promote rehabilitation of offenders through discipline training as well as meeting their needs for education, drug and alcohol treatment, and job skills development.

The legislature determines and declares that the program of regimental discipline is not to be used as an alternative to probation, but as an alternative to incarceration.

The purpose of this Act is to authorize the department of public safety to implement a rigorous offender program based on regimental discipline.

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Program of regimental discipline. (1) The department of public safety is authorized to implement a rigorous offender program based on regimental discipline. Participants shall undergo a regimen of hard work, physical training, intensive counseling, and educational and treatment programs within a highly structured and motivational environment. The program shall be available to defendants and committed persons who:

- (a) Have not been convicted of a class A felony;
- (b) Are not considered violent;
- (c) Are chosen by the director of public safety;
- (d) Are in good physical condition;
- (e) Have not been previously sentenced to an indeterminate term of imprisonment; and
- (f) Are willing to participate in the program.

(2) The court, with the approval of the director of public safety, may order a defendant to satisfactorily complete a program of regimental discipline of not less than ninety days before the court sentences a defendant or as a condition of probation or a deferred acceptance of guilty plea.

(3) If a defendant is ordered to complete a program, the director of public safety shall certify to the court whether the defendant completed the program satisfactorily. If the defendant fails to complete the program satisfactorily as a condition of a deferred acceptance of guilty plea, such a failure shall be considered in accordance with section 853-3. If a defendant fails to complete the program satisfactorily as a condition of probation, such a failure shall be considered in accordance with section 706-625.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 30, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.