

ACT 10

S.B. NO. 45

A Bill for an Act Relating to Government Operations.

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

SECTION 1. Section 353-61, Hawaii Revised Statutes, is amended to read as follows:

“§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, the president of the Hawaii Criminal Justice Association, the president of the bar association of Hawaii, a representative designated by the head of the Interfaith Alliance Hawaii, 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 chairperson or as a member, for each vacancy. The requirement for nomination by the panel established under this section shall only apply to a nominee’s nomination by the governor to an initial term on the paroling authority and not to any subsequent consecutive term of a sitting paroling authority member or chairperson whose initial appointment to office was made pursuant to a nomination by the panel. 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 chairperson. 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.”

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SECTION 2. Any person that:

- (1) Is currently serving as a member or chairperson of the Hawaii paroling authority; and
- (2) Has previously been nominated for service on the Hawaii paroling authority pursuant to nomination by a panel established under section 353-61, Hawaii Revised Statutes,

is deemed qualified to be nominated to serve for a subsequent term of office on the Hawaii paroling authority and shall not be subject to any re-nomination by a panel pursuant to section 353-61, Hawaii Revised Statutes; provided that this Act shall not be construed to affect the application of term limits established under section 26-34, Hawaii Revised Statutes.

SECTION 3. Any person that:

- (1) Is currently serving as a member or chairperson of the Hawaii paroling authority;
- (2) Has previously been nominated for service on the Hawaii paroling authority pursuant to a nomination by a panel established under section 353-61, Hawaii Revised Statutes; and
- (3) Has been confirmed by the senate to serve on the Hawaii paroling authority after June 30, 2005, and prior to the effective date of this Act,

is deemed confirmed and duly authorized to serve on the Hawaii paroling authority for the position and term to which appointed.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on April 30, 2008.

(Approved April 11, 2008.)