

# AGENDA

## **HCR 23 TASK FORCE MEETING**

THURSDAY, JULY 22, 2024

9:00 AM – 12:00 PM

Leiopapa A Kamehameha, State Office Tower  
235 S Beretania Street, Room 204  
Honolulu, HI 96813

Zoom Meeting

Meeting ID: 847 9441 9004

Passcode: 846097

### **Meeting Agenda**

#### I. Call to Order

- Welcome and opening remarks

#### II. Roll Call

- Roll call and introduction of attendees

#### III. Review of Task Force's Previous Work and Charge

- Summary of previous work of this Task Force
- Review of the Charge of the Task Force (included on page four of this document)

#### IV. Discussion on the Charge of the Task Force

- Main Discussion Questions related to the charge of the Task Force:
  - Do you favor (a) the status quo, where the Hawaii Paroling Authority continues setting the minimum terms of imprisonment, or (b) an alternative minimum setting, removing the responsibility of setting minimum sentences from the Hawaii Paroling Authority?
  - If we were to retain the status quo, would you favor (a) no changes at all or (b) consideration of other recommendations—e.g., statutory or policy changes or something else?
  - If we were to change the status quo to an alternative, would you favor (a) judicial setting of minimums or (b) statutory set minimums?
  - What additional information would help policymakers and stakeholders reach a resolution on the charge of the Task Force?

#### V. Notice of Intent to Vote

- It is anticipated that the Task Force will vote during this meeting. The specific motions and corresponding votes will depend on the will of the Task Force

members and the discussion portion of the meeting. However, to provide notice and the opportunity for Task Force members to consider the potential motions, the following are included. Some of these motions may be raised or voted on, and other motions not listed here may also be raised and voted on.

- **Initial:** Would the administration of justice be better served by removing the responsibility of setting minimum sentences from the Hawaii Paroling Authority?

- Based on the response to this question, there are several options Task Force members may consider:

**Potential Options:**

- a. *Option A:* If the Task Force determines that the administration of justice is best served by maintaining the status quo, are there any recommendations regarding the current practice of the Hawaii Paroling Authority setting the minimum terms of imprisonment?
- b. *Option B:* If the Task Force determines that the administration of justice would be better served by removing the responsibility of setting minimum sentences from the Hawaii Paroling Authority, would the administration of justice be better served by placing this responsibility with the Judiciary?
- c. *Option C:* If the Task Force determines that the administration of justice would be better served by removing the responsibility of setting minimum sentences from the Hawaii Paroling Authority, would the administration of justice be better served by placing this responsibility in statute?

- **Additional Consideration if applicable:** Act 245, signed by Governor Green on July 9, 2024, requires the Judicial Council to conduct a comprehensive review of the Hawaii Penal Code and recommend changes. Should the Task Force request that the recommendation of this task force be incorporated into this Penal Code review?

#### VI. Next Steps and Meeting Schedule

- The next meeting will be held on Thursday, September 12, 2024, at 9 am, with both in-person and Zoom options available.

#### VII. Adjournment

- Closing remarks

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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION TO CONVENE A TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING EXISTING PROCEDURES OF THE HAWAII PAROLING AUTHORITY SETTING THE MINIMUM TERMS OF IMPRISONMENT.

WHEREAS, Hawaii is one of thirty-three states that primarily utilizes an indeterminate sentencing system where courts can order a maximum and minimum term, or both, and then actual time served is determined by a parole board; and

WHEREAS, under existing law, the Hawaii Paroling Authority retains the authority to set the minimum term of imprisonment a prisoner must serve before being eligible for parole; and

WHEREAS, this creates a two-step process in which the presiding judge determines the maximum term for a defendant convicted after reviewing the victims' statements, pre-sentencing reports, criminal history, and other factors; and

WHEREAS, the Hawaii Paroling Authority then holds another hearing to determine the minimum term before a defendant is eligible for parole; and

WHEREAS, this two-step process is redundant and time consuming for the Hawaii Paroling Authority who spends approximately thirty percent of its time on the post-conviction minimum sentencing process; and

WHEREAS, of the thirty-three states using an indeterminate sentencing system, Hawaii is the only state that requires a parole board to determine the minimum sentence of imprisonment; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, the Senate concurring, that the Hawaii Correctional System Oversight Commission is requested to convene a task force to examine and make recommendations regarding existing procedures of the Hawaii Paroling Authority setting the minimum terms of imprisonment to increase efficiency of the procedures; and

BE IT FURTHER RESOLVED that the task force is requested to study whether parole system models utilized by other states might be suited for Hawaii; and

BE IT FURTHER RESOLVED that the task force is requested to examine and compare the minimum sentences issued by the Hawaii Paroling Authority and the courts to determine whether there are significant differences; and

BE IT FURTHER RESOLVED that the task force is requested to recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the Hawaii Paroling Authority, thereby enabling it to focus on determining and assisting prisoners' fitness for parole and supervision of parolees; and

BE IT FURTHER RESOLVED that the task force is requested to be comprised of the following members:

- (1) The Chair of the Hawaii Correctional System Oversight Commission or the Chair's designee, who shall serve as the chairperson of the task force;
- (2) The Chief Justice of the Hawaii Supreme Court or the Chief Justice's designee;
- (3) The Attorney General or the Attorney General's designee;
- (4) The Director of Health or the Director's designee;
- (5) The Director of Public Safety or the Director's Designee;
- (6) The Chairperson of the Board of Trustees of the Office of Hawaiian Affairs or the Chairperson's designee;
- (7) The Chair of the Hawaii Paroling Authority or the Chair's designee;
- (8) The Public Defender or the Public Defender's designee;

(9) One member of the House of Representatives, as appointed by the Speaker of the House of Representatives;

(10) One member of the Senate, as appointed by the President of the Senate;

(11) The Prosecuting Attorney, or the Prosecuting Attorney's designee, of each county;

(12) A representative of the Crime Victim Compensation Commission;

(13) Four representatives appointed by the Hawaii Association of Criminal Defense Lawyers, including one representative from each county;

(14) One member of the public who is a victim of domestic violence and has knowledge and expertise with the criminal justice system appointed by the Director of Public Safety; and

(15) One member of the public who is a victim of sexual assault and has knowledge and expertise with the criminal justice system appointed by the Director of Public Safety; and

BE IT FURTHER RESOLVED that the Judiciary and Department of Public Safety are requested to provide administrative support to the task force; and that the task force receive assistance from the Hawaii Criminal Justice Data Center and the Criminal Justice Research Institute; and

BE IT FURTHER RESOLVED that the task force is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than October 21, 2024; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to assist the task force in drafting any proposed legislation the task force recommends; and

BE IT FURTHER RESOLVED that the task force is requested to submit any request for proposed legislation, supporting documents, information, and materials deemed necessary, to the Legislative Reference Bureau no later than August 1, 2024; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chief Justice of the Hawaii Supreme Court, Attorney General, Director of Public

Safety, Director of Health, Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, Chair of the Hawaii Paroling Authority, Oversight Coordinator of the Hawaii Correctional System Oversight Commission, Public Defender of the State of Hawaii, Director of the Legislative Reference Bureau, Prosecuting Attorney of each county, and President of the Hawaii Association of Criminal Defense Lawyers.