

H.B. NO. 2371

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH
CORRECTIONAL FACILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. Act 178, Session Laws of Hawaii 2005,
5 appropriated \$6,278,178 to the department of human services,
6 office of youth services to operate the Hawaii youth
7 correctional facility for the fiscal year 2005-2006. On August
8 4, 2005, the United States Department of Justice released a
9 report on the findings of its Civil Rights Division's
10 investigation of the conditions of confinement at the Hawaii
11 youth correctional facility. Given the serious nature of the
12 findings, the governor is taking immediate action to fund
13 improvements at the Hawaii youth correctional facility. Some of
14 the remedial actions that the Department of Justice report
15 recommends have already been put in place. The implementation
16 of these remedial measures and associated overtime costs are the
17 primary factors leading to the present budget shortfall.

1 The fiscal year 2005-2006 budget for the office of youth
2 services, Hawaii youth correctional facility did not include
3 funding for any remedial actions at the facility, as a budget
4 for remedial actions could not be compiled until after the
5 Department of Justice report was issued.

6 While a negotiated settlement with the Department of
7 Justice is anticipated at this time, it is apparent that
8 improvements must be made in policies, procedures, and practices
9 in the areas of suicide prevention and precaution, reporting of
10 staff abuse and assaults, staff training, improved access to
11 medical and mental health information, and special education
12 services and vocational training.

13 The purpose of this Act is to appropriate additional
14 general fund moneys to allow the department of human services,
15 office of youth services to continue to improve operations at
16 the Hawaii youth correctional facility.

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$1,320,000, or so
19 much thereof as may be necessary, for fiscal year 2005-2006 to
20 be used for the Hawaii youth correctional facility.

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY.

PURPOSE: To ensure that funding for the operations of the Hawaii Youth Correctional Facility (HYCF) is maintained through the end of fiscal year 2005-2006. The purpose of this bill is to request an emergency appropriation of \$1,320,000 for the Hawaii Youth Correctional Facility.

MEANS: An emergency appropriation of funds.

JUSTIFICATION: On August 4, 2005, the United States Department of Justice (DOJ) released a report on the findings of the Civil Rights Division's investigation of the conditions at the HYCF. Given the serious nature of these findings, Governor Lingle is taking immediate action to fund improvements at HYCF. Some of the remedial actions recommended in the DOJ report have already been put in place. The requested amount is for the implementation of these remedial actions, associated overtime costs, and other current expenses.

The Department's fiscal year 2005-2006 budget for the office of youth services, HYCF did not include funding for any remedial actions at HYCF, as a budget for remedial actions could not be compiled until after the DOJ report was issued.

While a negotiated settlement with the Department of Justice is anticipated at

this time, it is apparent additional improvements must be made in policies, procedures, and practices in the areas of suicide prevention and precaution, reporting of staff abuse and assaults, staff training, improved access to medical and mental health information, and special education services and vocational training.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular and special sessions of 2005, the Executive Branch appropriation ceiling for fiscal year 2005-2006 has already been exceeded by \$165,665,981 or 3.83 percent. Funding requested in this measure for the operations of the HYCF through the end of fiscal year 2005-2006 including the implementation of DOJ remedial actions, associated overtime costs, and other current expenses will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2005-2006 by \$1,320,000, or 0.03 percent. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2005-2006 in this measure only, and does not include other general fund appropriations for fiscal year 2005-2006 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2006.

Impact on the public: The Department will be able to maintain and improve normal operations at HYCF through the end of the fiscal year. HYCF will

continue to provide appropriate residential secure care and services to youth committed by the family courts of the State of Hawaii, and to reintegrate them into their communities and with their families.

Impact on the department or other agencies: Services at HYCF are an integral part of the juvenile justice system and are mandated for the rehabilitation of youth and for public safety. This emergency funding is necessary for the HYCF to take the remedial measures recommended by the DOJ.

GENERAL FUNDS: \$1,320,000.
OTHER FUNDS: -0-
PPBS PROGRAM
DESIGNATION: HMS 503
OTHER AFFECTED
AGENCIES: None.
EFFECTIVE DATE: Upon approval.