

JAN 25 2006

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Section 353-17, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§353-17 Committed persons, furlough, employment.** (a)
4 The director or a designated agent may grant furloughs to
5 committed persons with a minimum or lower security
6 classification in any correctional facility of the department
7 for the purpose of employment, social reorientation, education,
8 or training, or any other valid purpose as determined by the
9 director. Special out-of-state furloughs may be granted to
10 those already otherwise furloughed, at no cost to the State,
11 when death or critical illness or injury to the committed
12 person's immediate family including a reciprocal beneficiary,
13 occurs. Any committed person who is engaged in private
14 employment, by contract or otherwise, not under the immediate
15 custody of the State shall not be considered an agent or
16 employee of the State. Any moneys earned from employment by
17 such person shall be used to satisfy a restitution order and to
18 reimburse the State for the cost of room and board. If any



1 earned moneys remain after these expenses have been paid, that
2 amount shall be held in an individual account for the committed
3 person.

4 When an inmate is granted a special out-of-state furlough,
5 the director shall inform the authorities of the state to which
6 the inmate is to be furloughed of the inmate's arrival.

7 (b) Full power to enforce the terms and conditions of
8 furlough and to retake and reincarcerate a furloughed committed
9 person is conferred upon the director or designated agent. The
10 director or a designated agent, at any time, may issue a warrant
11 authorizing the arrest and return to actual custody of any
12 furloughed committed person for the purpose of ascertaining
13 whether or not the terms and conditions of furlough have been
14 violated so as to justify revoking the furlough and to retake
15 and reincarcerate the furloughed committed person. The
16 director, or a designated agent, may require a furloughed person
17 to undergo and complete a substance abuse treatment program when
18 the furloughed person has committed a violation of the terms and
19 conditions of furlough involving possession or use, not
20 including to distribute or manufacture as defined in section
21 712-1240, of any dangerous drug, detrimental drug, harmful drug,
22 intoxicating compound, marijuana, or marijuana concentrate, as



1 defined in section 712-1240, unlawful methamphetamine
2 trafficking as provided in section 712-1240.6, or involving
3 possession or use of drug paraphernalia under section 329-43.5.
4 If the furloughed person fails to complete the substance abuse
5 treatment program or the director, or a designated agent,
6 determines that the furloughed person cannot benefit from any
7 substance abuse treatment program, the furloughed person shall
8 be subject to revocation of furlough and return to
9 incarceration. The administrators of all of the correctional
10 facilities of the State, the chief of police of each county, all
11 police officers of the State, and all correctional facility
12 officials shall execute any such warrant of arrest in like
13 manner as an ordinary criminal process.

14 (c) Any furloughed committed person retaken and
15 reincarcerated as provided in this chapter shall be confined
16 according to the committed person's sentence for that portion of
17 the committed person's term remaining unserved at the time of
18 furlough, but subsequent furloughs, in the discretion of the
19 director or designated agent, may be granted to a committed
20 person during the life and in respect of sentence."

21 SECTION 2. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$, or so



S.B. NO. 3027

1 much thereof as may be necessary for fiscal year 2006-2007, for
2 substance abuse treatment programs.

3 SECTION 3. The sum appropriated shall be expended by the
4 department of public safety for the purposes of this Act;
5 provided that the funds shall be expended through requests for
6 proposals from organizations that are qualified substance abuse
7 treatment providers.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2006.

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INTRODUCED BY: *Dina Kanond*

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Report Title:

Furloughs; Substance Abuse Treatment; Appropriation

Description:

Authorizes the director to require an individual who has violated the terms and conditions of furlough involving controlled substances to undergo and complete a substances abuse treatment program. Appropriates funds to the department of public safety for substance abuse treatment programs.

