

STAND. COM. REP. NO.

627

Honolulu, Hawaii

FEB 20 2007

RE: S.B. No. 1444
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Public Safety and Human Services and
Public Housing, to which was referred S.B. No. 1444 entitled:

"A BILL FOR AN ACT RELATING TO THE PURPOSE OF THE HAWAII
YOUTH CORRECTIONAL FACILITY,"

beg leave to report as follows:

The purpose of this measure is to clarify the purpose of
committing youth to the Hawaii Youth Correctional Facility.

Specifically, this measure amends the purpose section of the
Hawaii Youth Correctional Facility as codified in section
352-2.1(a) of the Hawaii Revised Statutes to substitute:

- (1) "Punishment" with "rehabilitation";
- (2) "Reintegrate" with "prepare for reentry"; and
- (3) "Children" with "youth".

Testimony in support of this measure was submitted by the
Office of Youth Services, the American Civil Liberties Union of
Hawai'i, and the Community Alliance on Prisons.

Your Committees find that the proposed changes to the statute
are necessary to better reflect the purpose of youth correctional
facilities and be consistent with terminology usage within the
affected offices. Replacing "punishment" with "rehabilitation"
will better reflect the programming and activities of the youth

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correctional facility, which include general education, vocational training, medical and mental health treatment, and substance abuse treatment. Replacing "reintegration" with "reentry," would provide consistency with the terminology used by the Office of Juvenile Justice and Delinquency Prevention. Replacing "children" with "youth" is necessary for accuracy as the term "youth" is commonly use to refer to children over the age of twelve, which is the age group considered for commitment to youth correctional facilities.

Your Committees further find that the term "incarceration" is loaded with connotations of guilt and punishment and should be replace with the term "custody" to reflect an overall goal of rehabilitating the youth committed to the Hawaii Youth Correctional Facility and to prevent their return to correctional facilities in the future. A recent audit of the Hawaii Youth Correctional Facility by the Auditor of the State of Hawaii noted this confusion within the staff of the facility given the contradictory statutory mandate of punishment and reintegration. Among the many recommendations of the Auditor was a statutory change to purpose of the Hawaii Youth Correctional Facility for the clarification of its role.

This measure was amended to substitute "custody" for "incarceration" in section 352-2.1(a), Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Public Safety and Human Services and Public Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1444, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1444, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Human Services and Public
Housing,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair

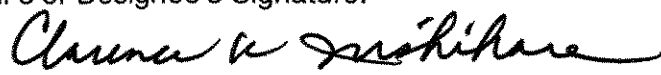
Will Espero

WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Public Safety
 PBS

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1444	PBS/HSP	2/13/07
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended <small>2312</small>		
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>		
<input type="checkbox"/> Hold <small>2310</small>		
<input type="checkbox"/> Recommit <small>2313</small>		
Members	Aye	Aye (WR)
Nay	Excused	
ESPERO, Will (C)	✓	
NISHIHARA, Clarence K. (VC)	✓	
SAKAMOTO, Norman		✓
WHALEN, Paul	✓	
TOTAL	3	0
1		
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original	Yellow	Pink
File with Committee Report	Clerk's Office	Drafting Agency

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SB 1444	Committee Referral: PBS/HSP	Date: 2-15-07
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	X			
IHARA, Jr., Les (VC)	X			
SAKAMOTO, Norman	X			
HEMMINGS, Fred	X			
TOTAL	4	0	0	0

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

Distribution:
Original
Yellow
Pink
File with Committee Report
Clerk's Office
Drafting Agency