
A BILL FOR AN ACT

RELATING TO OFFENDER REENTRY.

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

1 SECTION 1. The legislature finds that Act 8, First Special
2 Session Laws of Hawaii 2007 (Act 8), established a comprehensive
3 offender reentry system under the purview of the department of
4 public safety that assists adult offenders with their
5 reintegration back into our communities and offers a full
6 continuum of services that are accessible during and immediately
7 after their incarceration.

8 The intent of the legislature is that the provisions of
9 Act 8 are mandatory, rather than "directory."

10 The purpose of this Act is to further clarify the
11 provisions of chapter 353H, Hawaii Revised Statutes, relating to
12 the offender reentry system.

13 SECTION 2. Section 353H-3, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The department of public safety, in conjunction with
16 appropriate state agencies and private entities, shall develop
17 comprehensive reentry plans and curricula for individuals



1 exiting correctional facilities [~~in order~~] to reduce recidivism
2 and increase a person's successful reentry into the community.
3 The reentry plans shall include[7] but not be limited to:

4 (1) Adopting an operational philosophy that considers that
5 offender reentry begins on the day an offender enters
6 the correctional system. Each offender entering the
7 system shall be assessed to determine the offender's
8 needs [~~in order~~] to assist the individual offender
9 with developing the skills necessary to be successful
10 in the community;

11 (2) Providing appropriate programs, including[7] but not
12 limited to[7] education, substance abuse treatment,
13 cognitive skills development, vocational and
14 employment training, and other programs that help to
15 meet the assessed needs of each individual;

16 (3) Developing a comprehensive network of transitional
17 programs to address the needs of individuals exiting
18 the correctional system;

19 (4) Ensuring that all reentry programs are gender-
20 responsive;



1 (5) Issuing requests for proposals from community-based
2 nonprofit programs with experience with offenders in
3 the area of reentry; and

4 (6) Instituting model reentry programs for adult
5 offenders."

6 SECTION 3. Section 353H-4, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§353H-4[+] **Model programs; department of public**
9 **safety.** Subject to funding by the legislature, the department
10 of public safety, Hawaii paroling authority, department of
11 health, department of human services, and the judiciary, shall
12 enhance the State's comprehensive offender reentry system by
13 developing model programs designed to reduce recidivism and
14 promote successful reentry into the community. Components of
15 the model programs shall include but are not limited to:

16 (1) Highly skilled staff who are experienced in working
17 with offender reentry programs;

18 (2) Individualized case management and a full continuum of
19 care to ensure successful reentry;

20 (3) Life skills development workshops, including
21 budgeting, money management, nutrition, and exercise;
22 development of self-determination through education;



1 employment training; special education for the
2 learning disabled; social, cognitive, communication,
3 and life skills training; and appropriate treatment
4 programs, including substance abuse and mental health
5 treatment;

6 (4) Parenting and relationship building classes. The
7 department shall institute policies that support
8 family cohesion and family participation in offenders'
9 transition to the community, and, where possible,
10 provide geographical proximity of offenders to their
11 children and families; and

12 (5) Ongoing attention to building support for offenders
13 from communities, community agencies, and
14 organizations."

15 SECTION 4. Section 353H-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "~~[+]~~**\$353H-5**~~[+]~~ **Children of incarcerated parents; families.**

18 The director of public safety shall:

19 (1) Establish policies or rules that parent inmates be
20 placed in correctional facilities, consistent with
21 public safety and inmate security, in the best



1 interest of the family, rather than on economic or
2 administrative factors;

3 (2) Consider as a factor, where appropriate, an offender's
4 capacity to maintain parent-child contact when making
5 prison placements of offenders;

6 (3) [~~Conduct, coordinate, or promote~~] Lend technical
7 assistance and facilitate data requests to assist the
8 department of human services in coordinating and
9 promoting research that examines the impact of a
10 parent's incarceration on the well-being of the
11 offender's child that shall include both direct
12 contact with an offender's child, as well as reports
13 of caregivers; and

14 (4) [~~Conduct, coordinate, or promote~~] Lend technical
15 assistance and facilitate data requests to assist the
16 department of human services in coordinating and
17 promoting research that focuses on the relationship of
18 incarcerated [~~fathers~~] parents with their children and
19 the long-term impact of incarceration on [~~fathers~~]
20 parents and their children."

21 SECTION 5. Section 353H-6, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) The director of labor and industrial relations, the
2 department of public safety, and the Hawaii paroling authority
3 shall [~~take the necessary steps~~] work together to ensure
4 offenders and ex-offenders are included and involved in
5 [~~utilizing~~] using state and private resources for employment and
6 training opportunities, as well as life skills and educational
7 opportunities."

8 SECTION 6. Section 353H-7, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]§353H-7[+]~~ **Return of out-of-state inmates.** (a) The
11 director of public safety shall return Hawaii inmates held in
12 out-of-state prisons at least one year prior to the inmate's
13 parole or release date in order for these inmates to participate
14 in programs preparing them for reentry on the island where they
15 have the most support; provided that inmates participating in
16 reentry programs at the mainland facility in which they are
17 incarcerated consent to the return.

18 (b) The provisions of subsection (a) shall not prevent the
19 return of other Hawaii inmates held in out-of-state prisons with
20 less than one year left of their sentence from being returned in
21 preparation for reentry to the island where they have the most
22 support.



1 (c) If the department of public safety lacks sufficient
2 space in correctional facilities in the state to which to return
3 prisoners from out-of-state, the department shall exchange
4 prisoners through a quarterly rotation system, with long-term
5 inmates sent to out-of-state prisons and prisoners with less
6 than a year to serve brought back from out-of-state prisons to
7 the state.

8 [~~e~~] (d) The department of public safety shall provide a
9 report to the legislature at the end of each calendar year on
10 any inmates not returned pursuant to this section with an
11 explanation of the reasoning and circumstances for
12 noncompliance."

13 SECTION 7. Section 353H-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~[§]~~**§353H-31**~~[§]~~ **Adult offender reentry programs and**
16 **services.** (a) The director of public safety may authorize
17 purchase of service contracts, in accordance with chapter 103F,
18 subject to legislative or other appropriate funding, for adult
19 offender reentry programs and services that establish or improve
20 the offender reentry system and in which each adult offender in
21 state correctional custody is provided an individualized reentry
22 plan.



1 (b) Subject to funding by the legislature or other
2 appropriate sources, the department of public safety shall
3 authorize the purchase of service contracts for activities that:

4 (1) [~~Coordinate~~] With the assistance of the department of
5 human services, the Hawaii paroling authority, the
6 department of education, the University of Hawaii and
7 its community colleges, and other appropriate public
8 and private entities, coordinate the supervision and
9 services provided to adult offenders in state custody
10 with the supervision and services provided to
11 offenders who have reentered the community;

12 (2) Coordinate efforts of various public and private
13 entities to provide supervision and services to
14 ex-offenders after reentry into the community,
15 including the Hawaii paroling authority, department of
16 human services, and other stakeholders, with the
17 offenders' family members;

18 (3) Provide offenders awaiting reentry into the community
19 with documents, such as identification papers,
20 referrals to services, medical prescriptions, job
21 training certificates, apprenticeship papers,
22 information on obtaining public assistance, and other



1 documents useful in achieving a successful transition
2 from prison;

3 (4) Involve county agencies whose programs and initiatives
4 strengthen offender reentry services for individuals
5 who have been returned to the county of their
6 jurisdiction;

7 [~~5~~] ~~Allow ex-offenders who have reentered the community to~~
8 ~~continue to contact mentors who remain incarcerated~~
9 ~~through the use of technology, such as~~
10 ~~videoconferencing, or encourage mentors in prison to~~
11 ~~support the ex-offenders' reentry process;~~

12 ~~6~~] (5) Provide structured programs, post-release housing,
13 and transitional housing, including group homes for
14 recovering substance abusers, through which offenders
15 are provided supervision and services immediately
16 following reentry into the community;

17 [~~7~~] (6) Assist offenders, with the assistance of the
18 Hawaii paroling authority, Hawaii public housing
19 authority, and the department of human services, in
20 securing permanent housing upon release or following a
21 stay in transitional housing;



1 ~~[(8)]~~ (7) Continue, with the assistance of the department
2 of health and the Hawaii paroling authority, to link
3 offenders with health resources for health services
4 that were provided to them when they were in state
5 custody, including mental health, substance abuse
6 treatment, aftercare, and treatment services for
7 contagious diseases; provided that offenders who have
8 completed their sentence shall be solely responsible
9 for addressing their continued healthcare needs with
10 the department of health, department of human
11 services, or any other appropriate entity;

12 ~~[(9)]~~ (8) Provide education, job training, English as a
13 second language programs, work experience programs,
14 self-respect and life-skills training, and other
15 skills needed to achieve self-sufficiency for a
16 successful transition from prison;

17 ~~[(10)]~~ (9) Facilitate collaboration among corrections
18 administrators, technical schools, community colleges,
19 and the workforce development and employment service
20 sectors so that there are efforts to:

21 (A) ~~[Promote,]~~ With the assistance of the department
22 of labor and industrial relations, department of



1 taxation, department of education, and the
2 University of Hawaii and its community colleges,
3 promote, where appropriate, the employment of
4 persons released from prison, through efforts
5 such as educating employers about existing
6 financial incentives, and facilitate the creation
7 of job opportunities, including transitional
8 jobs, for such persons that will also benefit
9 communities;

10 (B) ~~[Connect]~~ With the assistance of the department
11 of labor and industrial relations, Hawaii
12 paroling authority, trade unions, and other
13 stakeholders, connect offenders to employment,
14 including supportive employment and employment
15 services, before their release to the community;
16 and

17 (C) Address barriers to employment, including
18 obtaining a ~~[driver's license,]~~ a state
19 identification card, social security card, or
20 other standard and acceptable personal
21 identification documents;



1 [~~(15)~~ ~~Identify~~] (14) Where appropriate, identify and
2 address barriers to collaborating with child welfare
3 agencies in the provision of services jointly to
4 offenders in custody and to the children of those
5 offenders;

6 [~~(16)~~] (15) Collect information, to the best of the
7 department's ability, regarding dependent children of
8 incarcerated persons as part of intake procedures,
9 including the number of children, age, and location or
10 jurisdiction for the exclusive purpose of connecting
11 identified children of incarcerated parents with
12 appropriate services and compiling statistical
13 information;

14 [~~(17)~~] (16) Address barriers to the visitation of children
15 with an incarcerated parent, and maintenance of the
16 parent-child relationship, such as the location of
17 facilities in remote areas, telephone costs, mail
18 restrictions, and visitation policies;

19 [~~(18)~~] (17) Create, develop, or enhance prisoner and family
20 assessments curricula, policies, procedures, or
21 programs, including mentoring programs, to help
22 prisoners with a history or identified risk of



1 domestic violence, dating violence, sexual assault, or
2 stalking reconnect with their families and
3 communities, as appropriate, and become mutually
4 respectful;

5 ~~(19)~~ (18) Develop programs and activities that support
6 parent-child relationships, such as:

7 (A) Using telephone conferencing to permit
8 incarcerated parents to participate in parent-
9 teacher conferences~~[+]~~, where feasible and
10 practical as determined by the government
11 agencies involved;

12 (B) Using videoconferencing to allow virtual
13 visitation when incarcerated persons are more
14 than one hundred miles from their families;

15 (C) Developing books on tape programs, through which
16 incarcerated parents read a book into a tape to
17 be sent to their children;

18 (D) The establishment of family days, which provide
19 for longer visitation hours or family activities;
20 or

21 (E) The creation of children's areas in visitation
22 rooms with parent-child activities;



- 1 [~~(20)~~ ~~Expand~~] (19) Work with the judiciary, department of
2 human services, and the Hawaii paroling authority, to
3 expand family-based treatment centers that offer
4 family-based comprehensive treatment services for
5 parents and their children as a complete family unit;
- 6 [~~(21)~~] (20) Conduct studies to determine who is returning to
7 prison and which of those returning prisoners
8 represent the greatest risk to community safety;
- 9 [~~(22)~~] (21) Develop or adopt procedures to ensure that
10 dangerous felons are not released from prison
11 prematurely;
- 12 [~~(23)~~] (22) Develop and implement procedures to assist
13 relevant authorities in determining when release is
14 appropriate and in the use of data to inform the
15 release decision;
- 16 [~~(24)~~] (23) [~~Utilize~~] Use validated assessment tools to
17 assess the risk factors of returning offenders to the
18 community and prioritizing services based on risk;
- 19 [~~(25)~~] (24) Facilitate and encourage timely and complete
20 payment of restitution and fines by ex-offenders to
21 victims and the community;



1 [~~(26)~~] (25) Consider establishing the use of reentry courts

2 to:

3 (A) Monitor offenders returning to the community;

4 (B) Provide returning offenders with:

5 (i) Drug and alcohol testing and treatment; and

6 (ii) Mental and medical health assessment
7 services;

8 (C) Facilitate restorative justice practices and
9 convene family or community impact panels, family
10 impact educational classes, victim impact panels,
11 or victim impact educational classes;

12 (D) Provide and coordinate the delivery of other
13 community services to offenders, including:

14 (i) Housing assistance;

15 (ii) Education;

16 (iii) Employment training;

17 (iv) Children and family support;

18 (v) Conflict resolution skills training;

19 (vi) Family violence intervention programs; and

20 (vii) Other appropriate social services; [~~and~~]

21 and



1 (E) Establish and implement graduated sanctions and
2 incentives; [~~and~~]
3 [~~(27)~~] (26) Provide technology and other tools necessary to
4 advance post-release supervision."

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect on July 1, 2020.



Report Title:

Public Safety; Offender Reentry

Description:

Makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program. Makes establishing the program mandatory. Effective July 1, 2020. (SB2546 HD1)

