

JAN 18 2008

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, related to
12 the offender reentry system.

13 SECTION 2. Section 353H-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " [H] §353H-3 [H] **Offender reentry system plan; creation.**

16 (a) The department of public safety shall develop a



1 comprehensive and effective offender reentry system plan for
2 adult offenders exiting the prison system.

3 (b) The department of public safety, in conjunction with
4 the Hawaii paroling authority, department of health, department
5 of human services, and the probation and family court divisions
6 of the judiciary, shall develop comprehensive reentry plans and
7 curricula for individuals exiting correctional facilities in
8 order to reduce recidivism and increase a person's successful
9 reentry into the community. The reentry plans shall include,
10 but not be limited to:

11 (1) Adopting an operational philosophy that considers that
12 offender reentry begins on the day an offender enters
13 the correctional system. Each offender entering the
14 system shall be assessed to determine the offender's
15 needs in order to assist the individual offender with
16 developing the skills necessary to be successful in
17 the community;

18 (2) Providing appropriate programs, including, but not
19 limited to, education, substance abuse treatment,
20 cognitive skills development, vocational and
21 employment training, and other programs that help to
22 meet the assessed needs of each individual;



- 1 (3) Developing a comprehensive network of transitional
- 2 programs to address the needs of individuals exiting
- 3 the correctional system;
- 4 (4) Ensuring that all reentry programs are gender-
- 5 responsive;
- 6 (5) Issuing requests for proposals from community-based
- 7 nonprofit programs with experience with offenders in
- 8 the area of reentry; and
- 9 (6) Instituting model reentry programs for adult
- 10 offenders."

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

13 "~~{}~~§353H-4~~{}~~ **Model programs; department of public**
14 **safety.** Subject to funding by the legislature, the department
15 of public safety, Hawaii paroling authority, department of
16 health, department of human services, and the judiciary, shall
17 enhance the State's comprehensive offender reentry system by
18 developing model programs designed to reduce recidivism and
19 promote successful reentry into the community. Components of
20 the model programs shall include but are not limited to:

- 21 (1) Highly skilled staff who are experienced in working
- 22 with offender reentry programs;



- 1 (2) Individualized case management and a full continuum of
- 2 care to ensure successful reentry;
- 3 (3) Life skills development workshops, including
- 4 budgeting, money management, nutrition, and exercise;
- 5 development of self-determination through education;
- 6 employment training; special education for the
- 7 learning disabled; social, cognitive, communication,
- 8 and life skills training; and appropriate treatment
- 9 programs, including substance abuse and mental health
- 10 treatment;
- 11 (4) Parenting and relationship building classes. The
- 12 department shall institute policies that support
- 13 family cohesion and family participation in offenders'
- 14 transition to the community, and, where possible,
- 15 provide geographical proximity of offenders to their
- 16 children and families; and
- 17 (5) Ongoing attention to building support for offenders
- 18 from communities, community agencies, and
- 19 organizations."

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

1 "[+]§353H-5[+] Children of incarcerated parents; families.

2 The director of public safety shall:

3 (1) Establish policies or rules that parent inmates be
4 placed in correctional facilities, consistent with
5 public safety and inmate security, in the best
6 interest of the family, rather than on economic or
7 administrative factors;

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

11 (3) [~~Conduct, coordinate, or promote~~] Assist the
12 department of human services in coordinating and
13 promoting research that examines the impact of a
14 parent's incarceration on the well-being of the
15 offender's child that shall include both direct
16 contact with an offender's child, as well as reports
17 of caregivers; and

18 (4) [~~Conduct, coordinate, or promote~~] Assist the
19 department of human services in coordinating and
20 promoting research that focuses on the relationship of
21 incarcerated [~~fathers~~] parents with their children and



1 the long-term impact of incarceration on [~~fathers~~]
2 parents and their children."

3 SECTION 5. Section 353H-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~[+] §353H-6 [.]~~ **Employment of ex-offenders.** (a) The
6 director of labor and industrial relations, the department of
7 public safety, and the Hawaii paroling authority shall [~~take the~~
8 ~~necessary steps~~] work together to ensure offenders and ex-
9 offenders are included and involved in utilizing state and
10 private resources for employment and training opportunities as
11 well as life skills and educational opportunities.

12 (b) The department of [~~public safety, with the assistance~~
13 ~~of~~] labor and industrial relations and the department of
14 taxation [~~and~~] with the assistance of the department of [~~labor~~
15 ~~and industrial relations,~~] public safety, shall develop and
16 propose for legislative consideration, tax incentives for
17 employers who hire individuals who were formerly incarcerated."

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

20 "~~[+] §353H-7 [.]~~ **Return of out-of-state inmates.** (a) The
21 director of public safety shall return Hawaii inmates held in
22 out-of-state prisons at least one year prior to the inmate's



1 parole or release date in order for these inmates to participate
2 in programs preparing them for reentry on the island where they
3 have the most support; provided that inmates participating in
4 reentry programs at the mainland facility in which they are
5 incarcerated consent to the return.

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

11 (c) If there is no room in the State to return prisoners,
12 the department of public safety shall exchange prisoners through
13 a quarterly rotation system, with long-term inmates sent to out-
14 of-state prisons and prisoners with less than a year to serve
15 brought back from out-of-state prisons to the State.

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

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



1 " [H] §353H-31 [H] Adult offender reentry programs and
2 **services.** (a) The director of public safety may authorize
3 purchase of service contracts, in accordance with chapter 103F,
4 subject to legislative or other appropriate funding, for adult
5 offender reentry programs and services that establish or improve
6 the offender reentry system and in which each adult offender in
7 state correctional custody is provided an individualized reentry
8 plan.

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

12 (1) [~~Coordinate~~] In conjunction with the department of
13 human services, the Hawaii paroling authority, the
14 department of education, the University of Hawaii and
15 its community colleges, and other appropriate public
16 and private entities, coordinate the supervision and
17 services provided to adult offenders in state custody
18 with the supervision and services provided to
19 offenders who have reentered the community;

20 (2) Coordinate efforts of various public and private
21 entities to provide supervision and services to
22 ex-offenders after reentry into the community,



1 including the Hawaii paroling authority, department of
2 human services, and other stakeholders, with the
3 offenders' family members;

4 (3) Provide offenders awaiting reentry into the community
5 with documents, such as identification papers,
6 referrals to services, medical prescriptions, job
7 training certificates, apprenticeship papers,
8 information on obtaining public assistance, and other
9 documents useful in achieving a successful transition
10 from prison;

11 (4) Involve county agencies whose programs and initiatives
12 strengthen offender reentry services for individuals
13 who have been returned to the county of their
14 jurisdiction;

15 ~~(5) [Allow ex-offenders who have reentered the community~~
16 ~~to continue to contact mentors who remain incarcerated~~
17 ~~through the use of technology, such as~~
18 ~~videoconferencing, or encourage mentors in prison to~~
19 ~~support the ex-offenders' reentry process;~~

20 ~~(6)]~~ Provide structured programs, post-release housing, and
21 transitional housing, including group homes for
22 recovering substance abusers, through which offenders



1 are provided supervision and services immediately
2 following reentry into the community;

3 [~~7~~] (6) Assist offenders, with the assistance of the
4 Hawaii paroling authority, Hawaii public housing
5 authority, and the department of human services, in
6 securing permanent housing upon release or following a
7 stay in transitional housing;

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

19 [~~9~~] (8) Provide education, job training, English as a
20 second language programs, work experience programs,
21 self-respect and life-skills training, and other



1 skills needed to achieve self-sufficiency for a
2 successful transition from prison;

3 ~~[(10)]~~ (9) Facilitate collaboration among corrections
4 administrators, technical schools, community colleges,
5 and the workforce development and employment service
6 sectors so that there are efforts to:

7 (A) ~~[Promote]~~ With assistance from the department of
8 labor and industrial relations, department of
9 taxation, department of education, and the
10 University of Hawaii and its community colleges,
11 promote, where appropriate, the employment of
12 persons released from prison, through efforts
13 such as educating employers about existing
14 financial incentives, and facilitate the creation
15 of job opportunities, including transitional
16 jobs, for such persons that will also benefit
17 communities;

18 (B) ~~[Connect]~~ In collaboration with the department of
19 labor and industrial relations, Hawaii paroling
20 authority, trade unions, and other stakeholders,
21 connect offenders to employment, including



1 supportive employment and employment services,
2 before their release to the community; and
3 (C) Address barriers to employment, including
4 obtaining a [~~driver's license,~~] a state
5 identification card, social security card, or
6 other standard and acceptable personal
7 identification documents;

8 [~~(11)~~] (10) Assess the literacy and educational needs of
9 offenders in custody and provide appropriate services
10 to meet those needs, including follow-up assessments
11 and long-term services;

12 [~~(12)~~] (11) Address systems under which family members of
13 offenders are involved with facilitating the
14 successful reentry of those offenders into the
15 community, including removing obstacles to the
16 maintenance of family relationships while the offender
17 is in custody, strengthening the family's capacity to
18 establish and maintain a stable living situation
19 during the reentry process where appropriate, and
20 involving family members in the planning and
21 implementation of the reentry process;



1 parent-child relationship, such as the location of
2 facilities in remote areas, telephone costs, mail
3 restrictions, and visitation policies;

4 ~~(18)~~ (17) Create, develop, or enhance prisoner and family
5 assessments curricula, policies, procedures, or
6 programs, including mentoring programs, to help
7 prisoners with a history or identified risk of
8 domestic violence, dating violence, sexual assault, or
9 stalking reconnect with their families and
10 communities, as appropriate, and become mutually
11 respectful;

12 ~~(19)~~ (18) Develop programs and activities that support
13 parent-child relationships, such as:

14 (A) Using telephone conferencing to permit
15 incarcerated parents to participate in parent-
16 teacher conferences~~[+]~~, where feasible and
17 practical as determined by the government
18 agencies involved;

19 (B) Using videoconferencing to allow virtual
20 visitation when incarcerated persons are more
21 than one hundred miles from their families;



1 (C) Developing books on tape programs, through which
2 incarcerated parents read a book into a tape to
3 be sent to their children;

4 (D) The establishment of family days, which provide
5 for longer visitation hours or family activities;
6 or

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

9 [~~(20)~~ Expand] (19) Work with the judiciary, department of
10 human services, and the Hawaii paroling authority, to
11 expand family-based treatment centers that offer
12 family-based comprehensive treatment services for
13 parents and their children as a complete family unit;

14 [~~(21)~~] (20) Conduct studies to determine who is returning to
15 prison and which of those returning prisoners
16 represent the greatest risk to community safety;

17 [~~(22)~~] (21) Develop or adopt procedures to ensure that
18 dangerous felons are not released from prison
19 prematurely;

20 [~~(23)~~] (22) Develop and implement procedures to assist
21 relevant authorities in determining when release is



- 1 appropriate and in the use of data to inform the
- 2 release decision;
- 3 ~~[(24)]~~ (23) Utilize validated assessment tools to assess the
- 4 risk factors of returning offenders to the community
- 5 and prioritizing services based on risk;
- 6 ~~[(25)]~~ (24) Facilitate and encourage timely and complete
- 7 payment of restitution and fines by ex-offenders to
- 8 victims and the community;
- 9 ~~[(26)]~~ (25) Consider establishing the use of reentry courts
- 10 to:
- 11 (A) Monitor offenders returning to the community;
- 12 (B) Provide returning offenders with:
- 13 (i) Drug and alcohol testing and treatment; and
- 14 (ii) Mental and medical health assessment
- 15 services;
- 16 (C) Facilitate restorative justice practices and
- 17 convene family or community impact panels, family
- 18 impact educational classes, victim impact panels,
- 19 or victim impact educational classes;
- 20 (D) Provide and coordinate the delivery of other
- 21 community services to offenders, including:
- 22 (i) Housing assistance;



- 1 (ii) Education;
- 2 (iii) Employment training;
- 3 (iv) Children and family support;
- 4 (v) Conflict resolution skills training;
- 5 (vi) Family violence intervention programs; and
- 6 (vii) Other appropriate social services; and
- 7 (E) Establish and implement graduated sanctions and
- 8 incentives; and
- 9 [~~27~~] (26) Provide technology and other tools necessary to
- 10 advance post-release supervision."

11 SECTION 8. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Public Safety; Offender Reentry

Description:

Makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program.

