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# 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           "~~§~~353H-3~~§~~ **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 appropriate State agencies and private entities, shall develop  
5 comprehensive reentry plans and curricula for individuals  
6 exiting correctional facilities in order to reduce recidivism  
7 and increase a person's successful reentry into the community.  
8 The reentry plans shall include, but not be limited to:

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

16 (2) Providing appropriate programs, including, but not  
17 limited to, education, substance abuse treatment,  
18 cognitive skills development, vocational and  
19 employment training, and other programs that help to  
20 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]~~ Lend technical  
12               assistance and facilitate data requests to assist the  
13               department of human services in coordinating and  
14               promoting research that examines the impact of a  
15               parent's incarceration on the well-being of the  
16               offender's child that shall include both direct  
17               contact with an offender's child, as well as reports  
18               of caregivers; and

19          (4)   ~~[Conduct, coordinate, or promote]~~ Lend technical  
20               assistance and facilitate data requests to assist the  
21               department of human services in coordinating and  
22               promoting research that focuses on the relationship of



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

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

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

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

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

21           "~~[+]§353H-7[+]~~ **Return of out-of-state inmates.** (a) The  
22 director of public safety shall return Hawaii inmates held in



1 out-of-state prisons at least one year prior to the inmate's  
2 parole or release date in order for these inmates to participate  
3 in programs preparing them for reentry on the island where they  
4 have the most support; provided that inmates participating in  
5 reentry programs at the mainland facility in which they are  
6 incarcerated consent to the return.

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

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

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



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

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

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

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





- 1           (2) Coordinate efforts of various public and private  
2           entities to provide supervision and services to  
3           ex-offenders after reentry into the community,  
4           including the Hawaii paroling authority, department of  
5           human services, and other stakeholders, with the  
6           offenders' family members;
- 7           (3) Provide offenders awaiting reentry into the community  
8           with documents, such as identification papers,  
9           referrals to services, medical prescriptions, job  
10          training certificates, apprenticeship papers,  
11          information on obtaining public assistance, and other  
12          documents useful in achieving a successful transition  
13          from prison;
- 14          (4) Involve county agencies whose programs and initiatives  
15          strengthen offender reentry services for individuals  
16          who have been returned to the county of their  
17          jurisdiction;
- 18          (5) ~~[Allow ex-offenders who have reentered the community~~  
19          ~~to continue to contact mentors who remain incarcerated~~  
20          ~~through the use of technology, such as~~  
21          ~~videoconferencing, or encourage mentors in prison to~~  
22          ~~support the ex-offenders' reentry process;~~



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

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

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



1       ~~[+9]~~ (8) Provide education, job training, English as a  
2           second language programs, work experience programs,  
3           self-respect and life-skills training, and other  
4           skills needed to achieve self-sufficiency for a  
5           successful transition from prison;

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

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

21       (B) ~~[Connect]~~ With the assistance of the department  
22           of labor and industrial relations, Hawaii



1 paroling authority, trade unions, and other  
2 stakeholders, connect offenders to employment,  
3 including supportive employment and employment  
4 services, before their release to the community;  
5 and

6 (C) Address barriers to employment, including  
7 obtaining a [~~driver's license~~] a state  
8 identification card, social security card, or  
9 other standard and acceptable personal  
10 identification documents;

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

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



1 involving family members in the planning and  
2 implementation of the reentry process;

3 [~~13~~] (12) Include victims, on a voluntary basis, in the  
4 offender's reentry process;

5 [~~14~~] (13) Facilitate visitation and maintenance of family  
6 relationships with respect to offenders in custody by  
7 addressing obstacles such as travel, telephone costs,  
8 mail restrictions, and restrictive visitation  
9 policies;

10 [~~15~~—Identify] (14) Where appropriate, identify and  
11 address barriers to collaborating with child welfare  
12 agencies in the provision of services jointly to  
13 offenders in custody and to the children of those  
14 offenders;

15 [~~16~~] (15) Collect information, to the best of the  
16 department's ability, regarding dependent children of  
17 incarcerated persons as part of intake procedures,  
18 including the number of children, age, and location or  
19 jurisdiction for the exclusive purpose of connecting  
20 identified children of incarcerated parents with  
21 appropriate services and compiling statistical  
22 information;



1       ~~(17)~~ (16)     Address barriers to the visitation of children  
2                   with an incarcerated parent, and maintenance of the  
3                   parent-child relationship, such as the location of  
4                   facilities in remote areas, telephone costs, mail  
5                   restrictions, and visitation policies;

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

14       ~~(19)~~ (18)     Develop programs and activities that support  
15                   parent-child relationships, such as:

16                (A)   Using telephone conferencing to permit  
17                    incarcerated parents to participate in parent-  
18                    teacher conferences~~(7)~~, where feasible and  
19                    practical as determined by the government  
20                    agencies involved;



- 1 (B) Using videoconferencing to allow virtual  
2 visitation when incarcerated persons are more  
3 than one hundred miles from their families;
- 4 (C) Developing books on tape programs, through which  
5 incarcerated parents read a book into a tape to  
6 be sent to their children;
- 7 (D) The establishment of family days, which provide  
8 for longer visitation hours or family activities;  
9 or
- 10 (E) The creation of children's areas in visitation  
11 rooms with parent-child activities;
- 12 [~~(20)~~ ~~Expand~~] (19) Work with the judiciary, department of  
13 human services, and the Hawaii paroling authority, to  
14 expand family-based treatment centers that offer  
15 family-based comprehensive treatment services for  
16 parents and their children as a complete family unit;
- 17 [~~(21)~~] (20) Conduct studies to determine who is returning to  
18 prison and which of those returning prisoners  
19 represent the greatest risk to community safety;
- 20 [~~(22)~~] (21) Develop or adopt procedures to ensure that  
21 dangerous felons are not released from prison  
22 prematurely;



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





- 1 (D) Provide and coordinate the delivery of other
- 2 community services to offenders, including:
- 3 (i) Housing assistance;
- 4 (ii) Education;
- 5 (iii) Employment training;
- 6 (iv) Children and family support;
- 7 (v) Conflict resolution skills training;
- 8 (vi) Family violence intervention programs; and
- 9 (vii) Other appropriate social services; and
- 10 (E) Establish and implement graduated sanctions and
- 11 incentives; and
- 12 [~~+27+~~] (26) Provide technology and other tools necessary to
- 13 advance post-release supervision."

14 SECTION 8. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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



**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. (SD1)

