

STAND. COM. REP. NO.

1270

Honolulu, Hawaii

MAR 23 2007

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

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

Madam:

Your Committee on Public Safety, to which was referred H.B. No. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO A COMPREHENSIVE OFFENDER REENTRY SYSTEM,"

begs leave to report as follows:

The purpose of this measure is to improve the process by which adult offenders reenter the community.

Specifically, this measure establishes a comprehensive offender reentry system, which:

- (1) Assists adult offenders with their reintegration back into the community;
- (2) Creates a reentry task force to examine ways to pool existing resources and funding streams to promote lower recidivism rates for returning prisoners and minimize the harmful effects of incarceration on families and communities; and
- (3) Makes an appropriation for the reentry system.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs; American Civil Liberties Union of Hawai'i; Community Alliance on Prisons; The Drug Policy Forum of Hawaii; Hawaii Substance Abuse Coalition; Hina Mauka; Maui

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Economic Opportunity, Inc.; Mestizo Association; Waimanalo Hawaiian Homes Association; and four individuals. The Department of Education, Department of Human Services; Department of Labor and Industrial Relations, Department of Public Safety, Hawaii Paroling Authority, and one individual submitted testimony supporting the intent of this measure. The Department of Taxation submitted testimony in opposition to the subsection requiring that the Department "develop and propose tax incentives for employers who hire individuals who were formerly incarcerated." The Department of the Attorney General submitted concerns.

Your Committee finds that preparing incarcerated persons for reentry into the community is essential to their successful rehabilitation and for the prevention of recidivism. A system that ensures offenders exiting our prisons have acquired the skills and treatment necessary to reenter the community as law-abiding citizens will enhance public safety. Preparation for reentry must include not only educational programs, but also life skills development workshops.

Your Committee further finds that a comprehensive reentry program will be cost-effective since the cost of incarceration greatly outweighs the cost of preparing incarcerated offenders to become productive members of society. Furthermore, research has shown that continuing treatment through a comprehensive reentry program as proposed by this measure is necessary to ensure that released offenders have the support they need to be successful.

This measure was amended to consolidate several bills pertaining to offender reentry, specifically: House Bill No. 5, H.D. 1; House Bill No. 624, H.D. 2; and House Bill No. 920, H.D. 1.

The original measure is now Part I of this amended measure. Your Committee amended Part I to conform to the language in the Senate companion bill, (Senate Bill No. 932, S.D. 2). By way of conforming to the Senate version, Part I of this measure has been amended to have the Department of Taxation serve with the Department of Labor and Industrial Relations in an advisory role to the Department of Public Safety to develop proposed tax incentives for employers who hire formerly incarcerated individuals; to delete the provisions establishing a Reentry Task Force, replacing it with a Stakeholders Committee; and to make numerous, nonsubstantive technical changes. This measure was further amended to delete the section pertaining to children of



incarcerated parents since not all children of incarcerated parents are abused and neglected, nor are they all placed with Child Protective Services. Your Committee finds the provisions in the proposed section might have been over-inclusive, duplicative, and confusing with regard to existing provisions for reported cases of abuse and neglect overseen by the Department of Human Services.

By way of incorporating House Bill No. 5, H.D. 1, as Part III of this amended measure, your Committee amended this measure to provide an appropriation to expand the restorative circles pilot program to correctional facilities statewide. The program brings the offender together with the victim with the guidance of an impartial, trained, and experienced community leader and the supporters of the offender and the victim on a volunteer basis for reconciliation and transition planning. Your Committee chose to use the language in Part III of Senate Bill No. 932, S.D. 2, which had a few minor technical differences. This measure was further amended to reflect the current number of completed circles and to clarify that the appropriation made in Part II is to be used for the continuation of existing restorative circles programs, as well as establishing additional programs at correctional facilities throughout the State.

By way of incorporating House Bill No. 624, H.D. 2, as Part IV of this amended measure, your Committee amended the measure to permit the Hawaii Paroling Authority to parole committed persons to the county in the State where the committed person has the greatest family or community support, opportunities for employment, job training, education, treatment, and other social services. This will allow the Hawaii Paroling Authority to provide meaningful opportunities for offenders to reintegrate into society and demonstrate that they have the potential to function as law-abiding citizens. Your Committee chose to use the substantially similar language of Part IV in Senate Bill No. 932, S.D. 2, which had technical, nonsubstantive differences.

By way of incorporating House Bill No. 920, H.D. 1, as Part VI of this amended measure, your Committee amended the measure to make an appropriation for a cognitive restructuring and transition pilot program to be established at the Kulani Correctional Facility, Hawaii Community Correctional Center, and the Hale Nani Reintegration Center. Your Committee chose to use the substantially similar language in Part VI of Senate Bill No. 932, S.D. 2, which had few minor technical, nonsubstantive differences.



Also by way of conforming to the language of Senate Bill No. 932, S.D. 2, this measure was further amended to:

- (1) Create a two-year pilot day reporting center administered by the Department of Public Safety and make an appropriation therefor; and
- (2) Make an appropriation to the Maui Economic Opportunity, Inc., in the 2007-2008 fiscal year as a grant pursuant to 42F, Hawaii Revised Statutes, for the development and maintenance of inmate reintegration programs.

Your Committee has also amended this measure by making other technical, nonsubstantive amendments for purposes of clarity and style. Your Committee retained the delayed effective date to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,

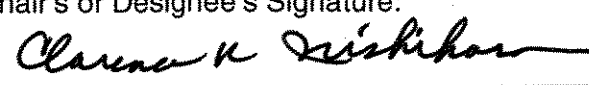


WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Public Safety
PBS

Bill / Resolution No.:* HB1 HD1	Committee Referral: PBS, WAM	Date: 3-15-07		
<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 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman				✓
WHALEN, Paul	✓			
TOTAL	3			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