



GOV. MSG. NO. 825

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 15, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB539 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB539 SD1 HD1 CD1

A BILL FOR AN ACT  
RELATING TO CORRECTIONS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 539

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 539, entitled "A Bill for an Act Relating to Corrections."

The purposes of this bill are to rename the intake service centers set forth in section 353-10, Hawaii Revised Statutes, to "reentry intake services centers," and require that they not only "screen, evaluate, and classify" individuals entering community correctional centers but also "provide for their successful reentry" into the community. Accordingly, this bill also specifies additional duties and responsibilities of the division that include providing reentry services and working with the furlough programs in each county, the Hawaii Paroling Authority, and the Corrections Program Services Division. Additionally, the bill establishes a "reentry commission" in the Department of Public Safety to monitor and review reentry and parole services.

This bill is objectionable because it proposes an inappropriate, vague, and unfunded reorganization of the Department of Public Safety.

The Department of Public Safety has developed a comprehensive offender reentry plan to assist with the reintegration of incarcerated individuals. This bill merely establishes additional undefined requirements for the Department of Public Safety to meet without providing the funding and staff

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 539  
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necessary to do so. Not being able to execute statutory requirements could expose the Department of Public Safety to unnecessary litigation.

Moreover, the Intake Services Centers Division currently coordinates and collaborates with other divisions, branches, and sections within the Department of Public Safety, as well as with the Hawaii Paroling Authority and various community based organizations. Such interactions do not need to be codified.

Additionally, the Department of Public Safety should be given the flexibility to carry out its own internal reorganization plans without unnecessary impediments. This measure not only ignores the reorganization efforts already underway, but fails to recognize that the Department is in the best position to comprehend the complexities of corrections operations, functions, and responsibilities at the division level.

Finally, the reentry commission established under this measure duplicates the functions and duties of the Corrections Population Management Commission, established in 1993. The reentry commission is, therefore, unnecessary and duplicative.

For the foregoing reasons, I am returning Senate Bill No. 539 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1           SECTION 1. Section 353-10, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§353-10 [~~Intake~~] Reentry intake service centers. There  
4 shall be within the department of public safety, [an] a reentry  
5 intake service center for adults in each of the counties, to  
6 screen, evaluate, and classify the admission of persons to  
7 community correctional centers[-] and to provide for the  
8 successful reentry of persons back into the community. Each  
9 center shall be directed and managed by a manager and shall be  
10 staffed by a team of psychiatrists, social workers, technicians,  
11 and other personnel as may be necessary. The director of public  
12 safety may appoint full-time or part-time professional and  
13 clerical staff or contract for professional services to carry  
14 out the duties of the centers as identified in this section.

15           The centers shall:

16           (1) Provide orientation, guidance, and technical services;



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- 1 (2) Provide social-medical-psychiatric-psychological
- 2 diagnostic evaluation;
- 3 (3) Provide pretrial assessments on adult offenders for
- 4 the courts and assist in the conduct of presentence
- 5 assessments on adult offenders and the preparation of
- 6 presentence reports when requested by the courts;
- 7 (4) Provide correctional prescription program planning and
- 8 security classification;
- 9 (5) Provide such other personal and correctional services
- 10 as needed for both detained and committed persons;
- 11 [and]
- 12 (6) Monitor and record the progress of persons assigned to
- 13 correctional facilities who undergo further treatment
- 14 or who participate in prescribed correctional
- 15 programs [-];
- 16 (7) Ensure that the present and future reentry needs of
- 17 persons committed to correctional facilities are being
- 18 evaluated and met in an effective and appropriate
- 19 manner;
- 20 (8) Provide additional reentry services to include working
- 21 closely and collaborating with the furlough programs



- 1           in each county that are currently managed by the
- 2           department's institutions division;
- 3           (9) Work closely and collaborate with the Hawaii paroling
- 4           authority; and
- 5           (10) Work closely and collaborate with the corrections
- 6           program services division."

7           SECTION 2. Section 353H-21, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           " ~~[+]~~§353H-21 ~~[+]~~ Legislative oversight committee;  
10 established. (a) There is established a legislative oversight  
11 committee to ensure transparency in the operations of the  
12 department, analyze the effectiveness of the department's  
13 governance, operations, and administration of its programs and  
14 services, evaluate the department's purchase of community-based  
15 programs and services, and review any other issues impacting the  
16 department. The legislative oversight committee shall conduct  
17 site visits and have access to all areas in correctional  
18 facilities, within the constraints of safety and security. The  
19 legislative oversight committee shall meet publicly for input  
20 and recommendations for the department. The legislative  
21 oversight committee shall be composed of members of the standing  
22 committees of both houses of the legislature whose purview is to

1 oversee the department. The legislative oversight committee  
2 shall be jointly chaired by the legislative standing committees'  
3 respective chairs.

4 (b) The legislative oversight committee shall cease to  
5 exist on July 1, 2009."

6 SECTION 3. (a) Effective January 1, 2010, there is  
7 established within the department of public safety a reentry  
8 commission to work with the department in monitoring and  
9 reviewing the comprehensive offender reentry program, including  
10 facility educational and treatment programs, rehabilitative  
11 services, work furloughs, and the Hawaii paroling authority's  
12 oversight of parolees. The reentry commission may make  
13 recommendations to the department, the Hawaii paroling  
14 authority, and the legislature regarding reentry and parole  
15 services.

16 (b) The reentry commission shall consist of eleven members  
17 who shall be appointed by the governor in accordance with  
18 section 26-34, Hawaii Revised Statutes, as follows:

19 (1) Four members shall be selected by the governor;  
20 provided that at least one of the four shall be a  
21 former inmate and none shall be government employees;



1 (2) Two members shall be selected by the president of the  
2 senate;

3 (3) Two members shall be selected by the speaker of the  
4 house of representatives;

5 (4) One member shall represent the American Civil  
6 Liberties Union;

7 (5) One member shall represent the Community Alliance on  
8 Prisons; and

9 (6) One member shall be a former inmate who has  
10 successfully been reintegrated into the community.

11 (c) The reentry commission shall meet at least quarterly  
12 and members shall serve without compensation, but may be  
13 reimbursed for expenses, including travel expenses that are  
14 necessary for the performance of their duties.

15 (d) The commission shall cease to exist on July 1, 2014.

16 SECTION 4. The department of public safety shall not  
17 receive any additional moneys in the department's operating  
18 budget to carry out the purposes of this Act. This Act shall  
19 not have an adverse employment or economic impact on the intake  
20 service center division's current staff as it exists on the day  
21 prior to the effective date of this Act.





1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on September 1,  
4 2009.

