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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that the cost of prisons  
2 is a significant expenditure for the State and that cost-cutting  
3 and economically efficient methods must be developed to manage  
4 incarcerated individuals in the prison system.

5           A preliminary study by the Criminal Justice Institute, Inc.  
6 has determined that the security classification system used by  
7 Hawaii prisons to decide where to house inmates is  
8 overestimating the risks that some inmates pose, causing them to  
9 be held longer than necessary in medium and high security  
10 facilities. The report cites that one hundred fifty mainland  
11 inmates at medium security facilities actually qualify as low-  
12 risk community custody inmates who may be eligible to be placed  
13 in community programs in Hawaii to prepare them for their return  
14 to society.

15           The State's current tough stance on crime has created a  
16 difficult situation. Short-term incarceration may be  
17 advantageous for nonviolent offenders with drug-related

1 convictions, but long-term incarceration should be reserved for  
2 violent criminals.

3 Public opinion has shown a favorable inclination toward  
4 rehabilitative services for prisoners, rather than a punishment  
5 only system. A 2006 poll by Zogby International for the  
6 National Council on Crime and Delinquency found that seventy per  
7 cent of the individuals polled favored rehabilitative services  
8 both during incarceration and after release from prison.  
9 Seventy-nine per cent agreed that drug treatment was very  
10 important for successful reintegration into society after  
11 incarceration.

12 The federal residential drug abuse program, administered by  
13 the Federal Bureau of Prisons, is a voluntary, specialized  
14 individual and group therapy program established for the benefit  
15 of offenders with substance abuse problems that includes not  
16 only alcohol and illicit drug addictions, but also abuse of  
17 pharmaceutical medications.

18 As an incentive to participate in the federal residential  
19 drug abuse program, Congress authorized a sentence reduction for  
20 up to one year for prisoners convicted for nonviolent offenses.  
21 Thus, the program is the only mechanism by which federal inmates

1 can potentially receive a reduction in their sentences beyond  
2 earning good conduct time credit.

3 The program consists of three components: a unit-based  
4 residential program, an institution transition, and community  
5 transitional services. When prisoners who have completed the  
6 residential drug abuse program have completed ninety per cent of  
7 their sentences, they are eligible to be considered for referral  
8 to home confinement.

9 The current in-facility residential drug abuse program  
10 available to some Hawaii inmates reduces prison costs by  
11 decreasing the likelihood of recidivism and drug abuse relapses.  
12 It is a voluntary six- to twelve-month program that offers the  
13 tools necessary for drug or alcohol addicted convicts to remain  
14 sober upon their release from prison. Presently, the in-  
15 facility phase of the residential drug abuse program is offered  
16 to inmates in Corrections Corporation of America facilities, the  
17 Waiawa correctional facility, the Oahu community correctional  
18 center, and through correspondence courses.

19 The purpose of this Act is to establish and implement an  
20 inmate community transition program based upon the community  
21 transitional phase of the federal residential drug abuse  
22 program. The program shall gradually prepare individuals for

1 reintegration into the community and provide an incentive of a  
2 reduction of up to one-year on their minimum sentence for  
3 eligible prisoners that join and successfully complete the  
4 program.

5 SECTION 2. Chapter 353H, Hawaii Revised Statutes, is  
6 amended by adding a new part to be appropriately designated and  
7 to read as follows:

8 "PART . RESIDENTIAL DRUG ABUSE PROGRAM

9 §353H-A Residential drug abuse program, community phase;  
10 **established.** The department shall establish the residential  
11 drug abuse program for the treatment and community reintegration  
12 of nonviolent offenders who:

- 13 (1) Have a history of drug or alcohol abuse;  
14 (2) Are in the custody of the State; and  
15 (3) Have been certified as graduates of the in-facility  
16 phase of a residential drug abuse program.

17 The residential drug abuse program shall begin operations  
18 on July 1, 2010.

19 §353H-B Program requirements. Initially, the program  
20 shall:

- 21 (1) Implement the community phase of the residential drug  
22 abuse program by utilizing the same criteria used by

1 the residential drug abuse program established by the  
2 Federal Bureau of Prisons; provided that the community  
3 phase of the residential drug abuse program shall be a  
4 six-month, in-community program that is voluntary; and  
5 (2) Provide an incentive of reducing the minimum sentences  
6 of inmates by a maximum of one year for successful  
7 completion of the program.

8 **§353H-C Inmate qualifications for program acceptance;**  
9 **inmate requirements.** To qualify for acceptance into the  
10 community phase of the residential drug abuse program, an inmate  
11 shall be classified as a nonviolent offender who has a prior  
12 history of drug or alcohol dependence.

13 Once accepted into the program, an inmate shall:

- 14 (1) Participate in the community phase of the program  
15 while residing at a halfway house that has mandatory  
16 curfews;
- 17 (2) Seek and attain gainful full-time employment and remit  
18 fifteen per cent of the inmate's gross earnings to the  
19 program for payment of child support, any accrued  
20 fines, or victim restitution, in accordance with  
21 established payment plans;
- 22 (3) Attend mandatory, weekly group counseling sessions;

- 1 (4) Submit to mandatory, random drug testing; and
- 2 (5) Remain sober and drug-free while participating in the
- 3 program.

4 Upon completion of the program, eligible participants shall  
5 receive a reduction on their minimum sentence of up to a one-  
6 year.

7 **§353H-D Inmate failure to fulfill requirements.** If an  
8 inmate fails to fulfill the requirements as established in  
9 section 353H-C, the inmate shall be immediately:

- 10 (1) Terminated from the program; and
- 11 (2) Returned to the prison where the inmate was
- 12 incarcerated prior to admission to the program."

13 SECTION 3. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 4. This Act shall take effect on July 1, 2050.

**Report Title:**

Public Safety; Prisons; Residential Drug Abuse Program Reentry

**Description:**

Establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. Effective 7/1/2050.  
(SD1)