

JAN 28 2009

A BILL FOR AN ACT

RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

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

1 SECTION 1. Chapter 353H, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending section 353H-3 to read:

4 " ~~[+]~~ §353H-3 ~~[+]~~ Offender reentry system plan; creation.

5 (a) The department of public safety shall develop a
6 comprehensive and effective offender reentry system plan for
7 adult offenders exiting the prison system.

8 (b) The department of public safety shall develop
9 comprehensive reentry plans and curricula for individuals
10 exiting correctional facilities in order to reduce recidivism
11 and increase a person's successful reentry into the community.

12 The reentry plans shall include, but not be limited to:

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



1 developing the skills necessary to be successful in
2 the community;

3 (2) Providing appropriate programs, including, but not
4 limited to, education, substance abuse treatment,
5 cognitive skills development, vocational and
6 employment training, and other programs that help to
7 meet the assessed needs of each individual;

8 (3) Developing a comprehensive network of transitional
9 programs to address the needs of individuals exiting
10 the correctional system;

11 (4) Ensuring that all reentry programs are gender-
12 responsive;

13 (5) Issuing requests for proposals from community-based
14 nonprofit programs with experience with offenders in
15 the area of reentry; and

16 (6) Instituting model reentry programs for adult
17 offenders.

18 (c) Within ninety days of the offender's conviction, the
19 department of public safety shall develop a comprehensive
20 written reentry plan for each individual entering a correctional
21 facility to assist in the rehabilitation of the offender. The
22 reentry plan shall be reviewed annually by reentry staff."



1 2. By amending section 353H-4 to read:

2 " [†] §353H-4 [†] **Model programs; department of public**
3 **safety.** Subject to funding by the legislature, the department
4 of public safety shall enhance the State's comprehensive
5 offender reentry system by developing model programs designed to
6 reduce recidivism and promote successful reentry into the
7 community. Components of the model programs shall include but
8 are not limited to:

- 9 (1) Highly skilled staff who are experienced in working
10 with offender reentry programs;
- 11 (2) Individualized case management and a full continuum of
12 care to ensure successful reentry;
- 13 (3) Life skills development workshops, including
14 budgeting, money management, nutrition, and exercise;
15 development of self-determination through education;
16 employment training; special education for the
17 learning disabled; social, cognitive, communication,
18 and life skills training; and appropriate treatment
19 programs, including substance abuse and mental health
20 treatment;
- 21 (4) Parenting and relationship building classes. The
22 department shall institute policies that support



1 family cohesion and family participation in offenders'
2 transition to the community, and, where ~~[possible,~~
3 feasible, provide geographical proximity of offenders
4 to their children and families; provided that no child
5 or family member of the offender was a victim of the
6 offender's crime, or provided further that there is no
7 active temporary or permanent restraining order in
8 place; and

- 9 (5) Ongoing attention to building support for offenders
10 from communities, community agencies, and
11 organizations."

12 3. By amending section 353H-5 to read:

13 "~~[§]§353H-5 [§]~~ **Children of incarcerated parents; families.**

14 The director of public safety shall:

- 15 (1) Establish policies or rules that parent inmates be
16 placed in correctional facilities, consistent with
17 public safety and inmate security, and when practical
18 and feasible, in the best interest of the family~~[~~
19 ~~rather than on economic or administrative factors]~~;
- 20 (2) ~~[Consider as a factor]~~ In addition to public safety
21 and inmate security factors, consider, when
22 appropriate, an offender's capacity to maintain



1 parent-child contact when making prison placements of
2 offenders;

3 (3) [~~Conduct, coordinate, or promote research that~~
4 ~~examines~~] Promote research in collaboration with
5 impacted state agencies, interested individuals, and
6 organizations, including but not limited to the
7 department of human services and other state agencies,
8 community partners who are impacted by, or provide
9 services to, children of incarcerated parents, and the
10 University of Hawaii or other organization with
11 experience and expertise in gathering and analyzing
12 information and data to examine the impact of a
13 parent's incarceration on the well-being of the
14 offender's child; provided that the research shall
15 include both direct contact with an offender's child,
16 as well as reports of caregivers; and

17 (4) [~~Conduct, coordinate, or promote research that focuses~~
18 ~~on the relationship of incarcerated fathers with their~~
19 ~~children and~~] Promote research in collaboration with
20 impacted state agencies, interested individuals, and
21 organizations, including but not limited to the
22 department of human services and other state agencies,



1 community partners who are impacted by, or provide
2 services to, children of incarcerated fathers, and the
3 University of Hawaii or other organization with
4 experience and expertise in gathering and analyzing
5 information and data to examine the long-term impact
6 of incarceration on fathers and their children."

7 4. By amending section 353H-7 to read:

8 "~~[] §353H-7 []~~ **Return of out-of-state inmates.** (a) The
9 director of public safety shall return Hawaii inmates held in
10 out-of-state prisons at least one year prior to the inmate's
11 parole or release date in order for these inmates to participate
12 in programs preparing them for reentry on the island where they
13 have the most support; provided that ~~[inmates participating in~~
14 ~~reentry programs at the mainland facility in which they are~~
15 ~~incarcerated consent to the]~~ there is sufficient facility
16 program and bed space to safely accommodate their return.

17 (b) The provisions of subsection (a) shall not prevent the
18 return of other Hawaii inmates held in out-of-state prisons with
19 less than one year left of their sentence from being returned in
20 preparation for reentry to the island where they have the most
21 support ~~[-]~~; provided that there is sufficient facility program
22 and bed space to safely accommodate their return.



1 (c) The department of public safety shall continue to
2 exchange prisoners through a quarterly rotation system, with
3 long-term inmates sent to out-of-state prisons and prisoners
4 with less than a year to serve brought back from out-of-state
5 prisons to the State; provided that there is sufficient facility
6 program and bed space to safely accommodate their return. By
7 January 1, 2010, the maximum number of Hawaii inmates who are
8 housed in out-of-state prisons shall not exceed _____.

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

14 5. By amending section 353H-21 to read:

15 "~~+~~§353H-21~~+~~ **Legislative oversight committee;**
16 **established.** (a) There is established a legislative oversight
17 committee to ensure transparency in the operations of the
18 department, analyze the effectiveness of the department's
19 governance, operations, and administration of its programs and
20 services, evaluate the department's purchase of community-based
21 programs and services, and review any other issues impacting the
22 department. The legislative oversight committee shall conduct



1 site visits and have access to all areas in correctional
2 facilities, within the constraints of safety and security. The
3 legislative oversight committee shall meet publicly for input
4 and recommendations for the department. The legislative
5 oversight committee shall be composed of members of the standing
6 committees of both houses of the legislature whose purview is to
7 oversee the department. The legislative oversight committee
8 shall be jointly chaired by the legislative standing committees'
9 respective chairs.

10 (b) The legislative oversight committee shall cease to
11 exist on July 1, 2010."

12 6. By amending subsection (b) of section 353H-31 to read:

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

16 (1) Coordinate the supervision and services provided to
17 adult offenders in state custody with the supervision
18 and services provided to offenders who have reentered
19 the community;

20 (2) Coordinate efforts of various public and private
21 entities to provide supervision and services to



1 ex-offenders after reentry into the community with the
2 offenders' family members;

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

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

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

19 ~~(6)]~~ (5) Provide structured programs, post-release
20 housing, and transitional housing, including group
21 homes for recovering substance abusers, through which



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

3 ~~[(7)]~~ (6) Assist offenders in securing permanent housing
4 upon release or following a stay in transitional
5 housing;

6 ~~[(8)]~~ (7) Continue to link offenders with health resources
7 for health services that were provided to them when
8 they were in state custody, including mental health,
9 substance abuse treatment, aftercare, and treatment
10 services for contagious diseases;

11 ~~[(9)]~~ (8) Provide education, job training, English as a
12 second language programs, work experience programs,
13 self-respect and life-skills training, and other
14 skills needed to achieve self-sufficiency for a
15 successful transition from prison;

16 ~~[(10)]~~ (9) Facilitate collaboration among corrections
17 administrators, technical schools, community colleges,
18 and the workforce development and employment service
19 sectors so that there are efforts to:

20 (A) Promote, where appropriate, the employment of
21 persons released from prison, through efforts
22 such as educating employers about existing



1 financial incentives, and facilitate the creation
2 of job opportunities, including transitional
3 jobs, for such persons that will also benefit
4 communities;

5 (B) Connect offenders to employment, including
6 supportive employment and employment services,
7 before their release to the community; and

8 (C) Address barriers to employment, including
9 obtaining a driver's license;

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

14 [~~(12)~~] (11) Address systems under which family members of
15 offenders are involved with facilitating the
16 successful reentry of those offenders into the
17 community, including removing obstacles to the
18 maintenance of family relationships while the offender
19 is in custody, strengthening the family's capacity to
20 establish and maintain a stable living situation
21 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)]~~ (14) Identify and address barriers to collaborating
11 with child welfare agencies in the provision of
12 services jointly to offenders in custody and to the
13 children of those offenders;

14 ~~[(16)]~~ (15) Collect information, to the best of the
15 department's ability, regarding dependent children of
16 incarcerated persons as part of intake procedures,
17 including the number of children, age, and location or
18 jurisdiction for the exclusive purpose of connecting
19 identified children of incarcerated parents with
20 appropriate services and compiling statistical
21 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;

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)]~~ (19) Expand family-based treatment centers that offer
10 family-based comprehensive treatment services for
11 parents and their children as a complete family unit;
- 12 ~~[(21)]~~ (20) Conduct studies to determine who is returning to
13 prison and which of those returning prisoners
14 represent the greatest risk to community safety;
- 15 ~~[(22)]~~ (21) Develop or adopt procedures to ensure that
16 dangerous felons are not released from prison
17 prematurely;
- 18 ~~[(23)]~~ (22) Develop and implement procedures to assist
19 relevant authorities in determining when release is
20 appropriate and in the use of data to inform the
21 release decision;



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

9 SECTION 2. (a) Effective January 1, 2010, there is
10 established within the department of public safety a reentry
11 commission to monitor and review the comprehensive offender
12 reentry program, including facility educational and treatment
13 programs, rehabilitative services, work furloughs, and the
14 Hawaii paroling authority's oversight of parolees. The reentry
15 commission may make recommendations to the department, the
16 Hawaii paroling authority, and the legislature regarding reentry
17 and parole services.

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



- 1 (1) Four members shall be selected by the governor;
- 2 provided that at least one of the four shall be a
- 3 former inmate;
- 4 (2) Two members shall be selected by the president of the
- 5 senate;
- 6 (3) Two members shall be selected by the speaker of the
- 7 house of representatives;
- 8 (4) One member shall represent the American Civil
- 9 Liberties Union; and
- 10 (5) One member shall represent the Community Alliance on
- 11 Prisons.

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

16 (d) The commission shall cease to exist on July 1, 2012.

17 SECTION 3. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY:

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Report Title:

Corrections; Offender Reentry

Description:

Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawaii inmates housed in out-of-state prisons; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2010.

