
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 felony prison
19 sentencing by the court, the department of public safety shall
20 develop a comprehensive written reentry plan for each individual
21 entering a correctional facility to assist in the rehabilitation

1 of the offender. The reentry plan shall be reviewed annually by
2 reentry staff."

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

4 "[~~§~~353H-4~~]~~ **Model programs; department of public**

5 **safety.** Subject to funding by the legislature, the department
6 of public safety shall enhance the State's comprehensive
7 offender reentry system by developing model programs designed to
8 reduce recidivism and promote successful reentry into the
9 community. Components of the model programs shall include but
10 are not limited to:

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

1 (4) Parenting and relationship building classes. The
2 department shall institute policies that support
3 family cohesion and family participation in offenders'
4 transition to the community, and, where [~~possible,~~
5 feasible, provide geographical proximity of offenders
6 to their children and families; provided that no child
7 or family member of the offender was a victim of the
8 offender's crime, and provided further that there is
9 no active temporary or permanent restraining order in
10 place applicable to the offender; and

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

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

15 "[~~§~~353H-5[~~]~~] **Children of incarcerated parents; families.**

16 The director of public safety shall:

17 (1) Establish policies or rules that parent inmates be
18 placed in correctional facilities, consistent with
19 public safety and inmate security, and when practical
20 and feasible, in the best interest of the family[~~r~~
21 ~~rather than on economic or administrative factors];~~

1 impacted state agencies, interested individuals, and
2 organizations, including but not limited to the
3 department of human services and other state agencies,
4 community partners who are impacted by, or provide
5 services to, children of incarcerated fathers, and the
6 University of Hawaii or other organization with
7 experience and expertise in gathering and analyzing
8 information and data to examine the long-term impact
9 of incarceration on fathers and their children."

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

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

20 (b) The provisions of subsection (a) shall not prevent the
21 return of other Hawaii inmates held in out-of-state prisons with
22 less than one year left of their sentence from being returned in

1 preparation for reentry to the island where they have the most
2 support[-]; provided that there is sufficient facility program
3 and bed space to safely accommodate their return.

4 (c) The department shall continue to exchange prisoners
5 through a quarterly rotation system, with long-term inmates sent
6 to out-of-state prisons and prisoners with less than a year to
7 serve brought back from out-of-state prisons to the State;
8 provided that there is sufficient facility program and bed space
9 to safely accommodate their return. By December 31, 2010, the
10 maximum number of Hawaii inmates who are housed in out-of-state
11 prisons shall not exceed two thousand.

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

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

18 "[+]§353H-21[+] **Legislative oversight committee;**
19 **established.** (a) There is established a legislative oversight
20 committee to ensure transparency in the operations of the
21 department, analyze the effectiveness of the department's
22 governance, operations, and administration of its programs and

1 services, evaluate the department's purchase of community-based
2 programs and services, and review any other issues impacting the
3 department. The legislative oversight committee shall conduct
4 site visits and have access to all areas in correctional
5 facilities, within the constraints of safety and security. The
6 legislative oversight committee shall meet publicly for input
7 and recommendations for the department. The legislative
8 oversight committee shall be composed of members of the standing
9 committees of both houses of the legislature whose purview is to
10 oversee the department. The legislative oversight committee
11 shall be jointly chaired by the legislative standing committees'
12 respective chairs.

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

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

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

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

1 homes for recovering substance abusers, through which
2 offenders are provided supervision and services
3 immediately following reentry into the community;

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

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

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

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

21 (A) Promote, where appropriate, the employment of
22 persons released from prison, through efforts

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

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

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

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)]~~ (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 [~~(24)~~] (23) Utilize validated assessment tools to assess the
2 risk factors of returning offenders to the community
3 and prioritizing services based on risk;

4 [~~(25)~~] (24) Facilitate and encourage timely and complete
5 payment of restitution and fines by ex-offenders to
6 victims and the community;

7 [~~(26)~~] (25) Consider establishing the use of reentry courts
8 to:

9 (A) Monitor offenders returning to the community;

10 (B) Provide returning offenders with:

11 (i) Drug and alcohol testing and treatment; and

12 (ii) Mental and medical health assessment
13 services;

14 (C) Facilitate restorative justice practices and
15 convene family or community impact panels, family
16 impact educational classes, victim impact panels,
17 or victim impact educational classes;

18 (D) Provide and coordinate the delivery of other
19 community services to offenders, including:

20 (i) Housing assistance;

21 (ii) Education;

22 (iii) Employment training;

- 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.

Report Title:

Corrections; Offender Reentry

Description:

Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; limits the maximum number of Hawaii inmates housed in out-of-state prisons to 2,000 by 12/31/2010; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2009.

(SD2)