

JAN 21 2010

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Work furlough is generally a transitional
2 program for inmates who are near the end of their sentences.
3 Furlough allows inmates to enter the community to work, to seek
4 employment, or to gain job skills through work. These inmates
5 have completed their in-facility programming and are ready to
6 begin the transition from incarceration to freedom. As part of
7 the sequential process of preparing inmates for release, the
8 inmates leave the facility for the day and return at night. The
9 furlough experience is important for the inmates to transition
10 out of incarceration and to living in the community.

11 The legislature finds that the department of public safety
12 lacks sufficient bed space to allow more inmates to be
13 furloughed and to return to the correctional facility each
14 night. The department of public safety has presented testimony
15 to the legislature that at least two hundred more beds statewide
16 are needed to meet the inmate demand for furlough.



1 The purpose of this Act is to authorize the department of
2 public safety to allow an additional two hundred inmates to be
3 furloughed statewide without returning to prison overnight, upon
4 special conditions.

5 SECTION 2. Section 353-17, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§353-17 Committed persons, furlough, employment.** (a)

8 The director or a designated agent may grant furloughs to
9 committed persons with a minimum or lower security
10 classification in any correctional facility of the department
11 for the purpose of employment, social reorientation, education,
12 or training, or any other valid purpose as determined by the
13 director. Special out-of-state furloughs may be granted to
14 those already otherwise furloughed, at no cost to the State,
15 when death or critical illness or injury to the committed
16 person's immediate family including a reciprocal beneficiary,
17 occurs. Any committed person who is engaged in private
18 employment, by contract or otherwise, not under the immediate
19 custody of the State shall not be considered an agent or
20 employee of the State. Any moneys earned from employment by
21 such person shall be used to satisfy a restitution order and to
22 reimburse the State for the cost of room and board. If any



1 earned moneys remain after these expenses have been paid, that
2 amount shall be held in an individual account for the committed
3 person.

4 When an inmate is granted a special out-of-state furlough,
5 the director shall inform the authorities of the state to which
6 the inmate is to be furloughed of the inmate's arrival.

7 (b) If a particular facility does not have sufficient
8 furlough bed space to accommodate a committed person who is
9 deemed suitable for furlough, the director or a designated agent
10 may grant furlough consistent with the usual terms and
11 conditions of furlough but without the requirement that the
12 committed person return to the correctional facility overnight;
13 provided that every committed person to be furloughed under this
14 subsection shall, at minimum:

15 (1) Have a residence or a living arrangement on the same
16 island to return to each night while on furlough;

17 (2) Be deemed a non-violent offender that presently does
18 not have a propensity for violence;

19 (3) Have a support group of three persons, none of whom
20 shall have been convicted of a felony, who shall
21 register with the department and shall provide



1 assistance in reintegrating the committed person into
2 society;

3 (4) Be subject to random drug testing; and

4 (5) Report in person to a parole officer not less than
5 once bi-weekly; and

6 provided further that as an additional condition of furlough,
7 the committed person who is furloughed under this subsection
8 shall be employed or shall seek employment with a minimum of two
9 employers per week, or be registered in school or a learning
10 program approved by the department; and provided further that
11 the total number of inmates to be furloughed under this
12 subsection shall not exceed two hundred.

13 Failure to comply with any condition of furlough under this
14 subsection shall subject the committed person to a retake and
15 re-incarceration of up to sixty days, notwithstanding subsection
16 (d); provided that subsection (d) shall apply if conditions of
17 furlough other than those included in this subsection are not
18 met.

19 ~~(b)~~ (c) Full power to enforce the terms and conditions
20 of furlough and to retake and reincarcerate a furloughed
21 committed person is conferred upon the director or designated
22 agent. The director or a designated agent, at any time, may



1 issue a warrant authorizing the arrest and return to actual
2 custody of any furloughed committed person for the purpose of
3 ascertaining whether or not the terms and conditions of furlough
4 have been violated so as to justify revoking the furlough and to
5 retake and reincarcerate the furloughed committed person. The
6 administrators of all of the correctional facilities of the
7 State, the chief of police of each county, all police officers
8 of the State, and all correctional facility officials shall
9 execute any such warrant of arrest in like manner as an ordinary
10 criminal process.

11 ~~[(e)]~~ (d) Any furloughed committed person retaken and
12 reincarcerated as provided in this chapter shall be confined
13 according to the committed person's sentence for that portion of
14 the committed person's term remaining unserved at the time of
15 furlough, but subsequent furloughs, in the discretion of the
16 director or designated agent, may be granted to a committed
17 person during the life and in respect of sentence."

18 SECTION 3. The department of public safety shall report to
19 the legislature semi-annually, beginning December 1, 2010, on
20 the:

21 (1) Number of inmates furloughed under this Act and at
22 which correctional facilities; and



1 (2) Problems and issues, if any, concerning the inmates
2 furloughed under this Act.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Furlough; Overcrowding

Description:

Allows department of public safety to parole up to an additional 200 inmates who do not have to return to prison each night and upon special conditions if the prison has insufficient number of beds to accommodate more furloughed inmates. Requires DPS to report to legislature semi-annually.

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