

JAN 23 2009

---

---

# 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  
3 cost-cutting, economically efficient methods must be developed  
4 to manage 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 are eligible to be placed in  
13 community programs in Hawaii to prepare them for their return to  
14 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. Unfortunately, all convicted felons are  
3 stereotyped as violent criminals, resulting in lengthy prison  
4 sentences for violent and nonviolent offenders, alike.

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

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

19 As an incentive to participate in the federal residential  
20 drug abuse program, Congress authorized a sentence reduction for  
21 up to one year for prisoners convicted for nonviolent offenses.  
22 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 are ninety per cent of the way to  
7 their release date, they are eligible to be considered for  
8 referral 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 program  
22 and increase the number of transition beds for male inmates in



1 module nineteen at the Oahu community correctional center. The  
2 program shall gradually prepare individuals for reintegration  
3 into the community and provide an incentive to eligible  
4 prisoners who join and successfully complete the program to  
5 receive up to one year off their current sentences.

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

9 "PART . RESIDENTIAL DRUG ABUSE PROGRAM

10 §353H-A Residential drug abuse program, community phase;  
11 established. The department shall establish the residential  
12 drug abuse program for the treatment and community reintegration  
13 of nonviolent offenders who have a history of drug or alcohol  
14 abuse, are in the custody of the State, and have been certified  
15 as graduates of the in-facility phase of a residential drug  
16 abuse program.

17 §353H-B Program requirements. Initially, the program  
18 shall:

19 (1) Increase the number of transition beds at Module 19 at  
20 the Oahu community correctional center;

21 (2) 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 Board 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 (3) 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 and for payment of child support, any accrued  
20 fines, or victim restitution, in accordance with  
21 payment plans that have been or are established;
- 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 up to one year off of their minimum sentences.

6 **§353H-D Inmate failure to fulfill requirements.** If an  
 7 inmate fails to fulfill the requirements as established in  
 8 section 353H-C, the inmate shall:

- 9 (1) Receive an immediate termination from the program; and
- 10 (2) Be returned immediately to the original prison from
- 11 which the inmate was taken, prior to admission into
- 12 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 upon its approval.

18

INTRODUCED BY:

*Will Engro*  
*Mike Gabbard*  
*Robert...*  
*S*



**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. Expands number of transition beds in module nineteen at the Oahu community correctional center.

