
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,
6 Inc., has determined that the security classification system
7 used by 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 services both during
8 incarceration and after release from prison. Seventy-nine per
9 cent agreed that drug treatment was very important for
10 successful reintegration into society after incarceration.

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

17 As an incentive to participate in the federal residential
18 drug abuse program, Congress authorized a sentence reduction of
19 up to one year for prisoners convicted for nonviolent offenses.
20 Thus, the program is the only mechanism by which federal inmates
21 can potentially receive a reduction in their sentences beyond
22 earning good conduct time credit.



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

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

17 The purpose of this Act is to establish and implement an
18 inmate community transition program based upon the community
19 transitional phase of the federal residential drug abuse
20 program. The program shall gradually prepare individuals for
21 reintegration into the community and provide an incentive to
22 eligible prisoners who join and successfully complete the



1 program to receive up to a one-year reduction of their minimum
2 sentences.

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

6 "PART . RESIDENTIAL DRUG ABUSE PROGRAM

7 §353H-A Residential drug abuse program, community phase;
8 authorization to establish. The department may establish the
9 residential drug abuse program for the treatment and community
10 reintegration of nonviolent offenders who have a history of drug
11 or alcohol abuse, are in the custody of the State, and have been
12 certified as graduates of the in-facility phase of a residential
13 drug abuse program. If established, the residential drug abuse
14 program shall begin operations by July 1, 2010.

15 §353H-B Program requirements. Initially, the program may:

- 16 (1) Implement the community phase of the residential drug
17 abuse program by using the same criteria used by the
18 residential drug abuse program established by the
19 federal Board of Prisons; provided that the community
20 phase of the residential drug abuse program shall be a
21 six-month, in-community program that is voluntary; and



1 (2) Provide an incentive of reducing the minimum sentences
2 of inmates by a maximum of one year for successful
3 completion of the program.

4 **§353H-C Inmate qualifications for program acceptance;**
5 **inmate requirements.** To qualify for acceptance into the
6 community phase of the residential drug abuse program, an inmate
7 shall be classified as a nonviolent offender who has a prior
8 history of drug or alcohol dependence.

9 Once accepted into the program, an inmate shall:

10 (1) Participate in the community phase of the program
11 while residing at a halfway house that has mandatory
12 curfews;

13 (2) Seek and attain gainful full-time employment and remit
14 fifteen per cent of the inmate's gross earnings to the
15 program and for payment of child support, any accrued
16 fines, or victim restitution, in accordance with
17 established payment plans;

18 (3) Attend mandatory, weekly group counseling sessions;

19 (4) Submit to mandatory, random drug testing; and

20 (5) Remain sober and drug-free while participating in the
21 program.



1 Upon completion of the program, eligible participants shall
2 receive up to a one-year reduction of their minimum sentences.

3 §353H-D Inmate failure to fulfill requirements. If an
4 inmate fails to fulfill the requirements as established in
5 section 353H-C, the inmate shall be immediately:

- 6 (1) Terminated from the program; and
- 7 (2) Returned to the prison where the inmate was
8 incarcerated prior to admission to the program."

9 SECTION 3. In codifying the new sections added by section
10 2 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 4. This Act shall take effect on July 1, 2020.



S.B. NO. 540
S.D. 2
H.D. 1

Report Title:

Public Safety; Prisons; Residential Drug Abuse Program Reentry

Description:

Allows the establishment of a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. Effective 7/1/2020. (SB540 HD1)

