

JAN 26 2011

S.B. NO. 1294

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# A BILL FOR AN ACT

RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY.

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

1           SECTION 1.   Section 352-28, Hawaii Revised Statutes, is  
2 repealed.

3           [~~"§352-28 Transfer to correctional facility. Any person  
4 after the person's sixteenth birthday, who has been committed to  
5 the care of the director and disrupts the order and the  
6 discipline of any state-operated youth correctional facility or  
7 injures the staff or other person committed to the facility or  
8 for other good cause, may be transferred by the director to an  
9 adult correctional facility, with the prior approval of the  
10 family court, for the balance of the term provided for by the  
11 court. If such person demonstrates sufficient improvement or  
12 progress, or for other good reason, the family court may order  
13 the person's return to a youth correctional facility."~~]

14           SECTION 2.   Statutory material to be repealed is bracketed  
15 and stricken.

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1 SECTION 3. This Act shall take effect on July 1, 2011.

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INTRODUCED BY: 

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BY REQUEST

**Report Title:**

Transfer of Youth to an Adult Correctional Facility.

**Description:**

Repeal section 352-28, Hawaii Revised Statutes, which authorizes the executive director of the office of youth services, with the approval of the family court, to transfer a committed youth from the Hawaii Youth Correctional Facility to an adult correctional facility for disciplinary or other reasons.

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY.

PURPOSE: To repeal the authority of the Office of Youth Services (OYS) Executive Director to transfer youth, with the approval of the family court, to an adult correctional facility for disciplinary or other reasons.

MEANS: Repeal section 352-28, Hawaii Revised Statutes.

JUSTIFICATION: The proposed bill will ensure that youth committed to the Hawaii Youth Correctional Facility will not be transferred to adult correctional facilities for disciplinary reasons where they would be exposed to serious adult offenders and subjected to possible physical, mental, and sexual assault.

In addition, the proposed bill will simplify the State of Hawaii's efforts to comply with the federal Juvenile Justice Delinquency Prevention Act (JJDP) which requires "sight and sound" separation between juvenile and adult offenders. Violation of this requirement would jeopardize future federal funding.

Impact on the public: None.

Impact on the department and other agencies: Public Safety would not be required to assume the responsibility of housing juveniles committed to the Office of Youth Services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HMS 503.

OTHER AFFECTED  
AGENCIES: The Judiciary/Family Courts and the  
Department of Public Safety.

EFFECTIVE DATE: July 1, 2011.