

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 1067

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1067 entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that adult probation records may be released to mental health service providers who are licensed by the State or nationally accredited for the purpose of therapy or rehabilitation; and
- (2) Establish procedures to protect against improper divulging of confidential information.

Your Committee received testimony in support of this measure from the Judiciary; Domestic Violence Action Center; the Hawaii Substance Abuse Coalition; Hina Mauka Treatment Center; and Ku Aloha Ola Mau. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that this measure will allow access by a substance abuse service provider to the results of an offender's risk/need profile as part of the provider's determination of the offender's admission into a treatment program. The Judiciary's Adult Client Services Branches currently conduct two assessments of offender attributes and their situations relevant to level of supervision and treatment decisions. The results of these



assessments provide a risk score that translates into a recidivism risk category of surveillance, high, medium, or low risk for offender recidivism. The assessments additionally provide information on criminogenic need - target areas that, if addressed, may improve an offender's ability to remain risk free.

An offender's risk level and needs assessment are used to determine the type of program that best addresses an offender's needs. Research shows that intensive supervision programs and correctional involvement have a greater effect in reducing recidivism in high risk, compared to low risk, offenders. For example, recidivism in low risk offenders may increase if exposed to augmented supervision. The assessments provide invaluable information regarding the type of offender behavior that should be targeted and how best to deliver services to an offender. Ideally, appropriate interventions match the cognitive style and ability of the offender.

Currently, an offender's risk information is not provided to a service provider until after an offender is admitted to a program. However, offender risk information is needed to avoid mixing high risk offenders with low risk offenders. Because not all service providers provide high risk offender treatment, the information is needed to match offenders with the most appropriate programs. Not having this risk information prior to admission means that a high risk offender who is admitted to a low-risk program may be dismissed from the program. Additionally, the treatment plan developed for the offender may not address certain risk factors such that the offender does not receive programmed approaches that could have helped the offender cope with risk tendencies such as aggression and dominance.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1067, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 1067, S.D. 1, and  
be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



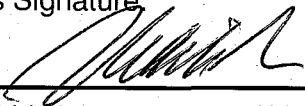
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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 1067</b>	Committee Referral: <b>JDL</b>	Date: <b>2/7/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes