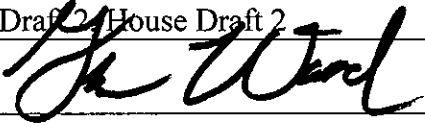


# RECEIVED HOUSE OF REPRESENTATIVES

2011 APR 12 A 7 26


AMENDMENT OFFICE: Senate Bill 1358, Senate Draft 2, House Draft 2  
OFFERED BY: Representative Gene Ward



DATE: April 12, 2011

SECTION 1. Senate Bill 1358, Senate Draft 2, House Draft 2, is amended by amending Section 1, to read as follows:

"SECTION 1. The Kulani correctional facility closed on November 20, 2009, and the facility was transferred to the state department of defense. The incarcerated population of approximately one hundred twenty at the Kulani correctional facility was transferred to the Halawa correctional facility, to the federal detention center in Honolulu, and to mainland prisons. The Kulani correctional facility specialized in providing sex offender treatment, which the department of public safety describes as being one of the most successful programs in the country.

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CHIEF CLERK, HOUSE OF REPRESENTATIVES		



The legislature finds that Hawaii's incarcerated persons who serve their incarceration sentence in Hawaii have more potential for rehabilitation when they can live in familiar surroundings and be close to relatives. The legislature further finds that the sex offender treatment services that were provided at the Kulani correctional facility were among the finest in the country. The legislature further finds that consideration of the State's financial costs of incarceration on the mainland, rather than incarceration in Hawaii, is outweighed by the rehabilitation success of persons incarcerated in Hawaii. Successful rehabilitation eventually results in lower recidivism and lower costs.

The legislature further finds that the state department of defense opened a second National Guard Youth Challenge Academy in the fourth quarter of 2010, which is providing housing and education to over one hundred "at-risk youth" in buildings at the former Kulani correctional facility, that once held inmates of the department of public safety.

The purpose of this Act is to require the department of public safety to make plans to reopen the Kulani correctional facility."

SECTION 2. Senate Bill 1358, Senate Draft 2, House Draft 2, is further amended by amending Section 2, to read as follows:



"SECTION 2. (a) No later than December 31, 2011, the department of public safety shall:

- (1) Formulate a plan to reopen the Kulani correctional facility;
- (2) Include in that plan an implementation process to transfer incarcerated persons back to and house new inmates at the Kulani correctional facility; and
- (3) As part of that plan, find an alternate location for the Hawaii Army National Guard Youth Challenge Academy, which is currently housed at Kulani; provided that the alternate location should be approximately equal in size, possess comparable types of facilities, and equipment of the current Kulani site, and cost not more to operate than the existing National Guard Youth Challenge Academy.

(b) The department of public safety shall not reopen the Kulani correctional facility until the Hawaii Army National Guard Youth Challenge Academy is relocated at the alternate location.

(c) The emphasis of the reopened Kulani correctional facility shall be on providing sex offender treatment rehabilitation services.

(d) The department of public safety shall cooperate with the state department of defense to transfer the Kulani



correctional facility back to the department of public safety. In addition, the department of public safety shall staff the Kulani correctional facility upon its reopening with former employees of the Kulani correctional facility in the positions they held prior to the closing of the facility and, with the exception of those who wish to remain in a different location, bring back any and all employees who may have been bumped, terminated, or accepted employment in a new geographical location, regardless of any agreements made between the employee and the employer regarding transferring back to their original workplace. These positions shall be offered first to former employees of the Kulani correctional facility and Hawaii community correctional center before allowing any other transfers from employees who were not affected or employed by Kulani correctional facility or Hawaii community correctional center at the time of the closing.

(e) The department of public safety shall submit its plan and any related findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2012."

