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# 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 most recent  
2 information on the use of drugs, alcohol, and tobacco reveals a  
3 disturbing rise in the use of these substances among the native  
4 Hawaiian population. Many studies conducted both nationally and  
5 statewide show native Hawaiians to be at particularly high risk  
6 for substance abuse. Among students in the eighth and tenth  
7 grades, native Hawaiian children rank highest among all ethnic  
8 groups in the use of these substances. The studies also show  
9 that substance abuse starts at an early age, and if not  
10 addressed will:

11           (1) Lead to more serious offenses, which break down family  
12 structures spiritually, psychologically, socially, and  
13 economically;

14           (2) Create many health hazards and problems for and with  
15 the individual; and

16           (3) Lead to other serious problems, such as poverty,  
17 homelessness, and a growing dependence on both legal  
18 and illegal drugs which in turn may lead to child



1 abuse, family abuse, sexual abuse, and other serious  
2 life threatening crimes.

3 The legislature finds that a pu'uhonua, or wellness center,  
4 based on Hawaiian cultural practice will help the native  
5 Hawaiian community and the community at-large. Unquestionably,  
6 many high risk individuals need to be cared for in a much more  
7 sensitive intervention program that will address solutions that  
8 will alleviate their problems. The greatest potential to stem  
9 the tide of this most horrific situation lies in the creation of  
10 a pu'uhonua comprising a culturally-based substance abuse  
11 treatment and intervention program that takes a holistic  
12 approach, based upon cultural identity and strength to get to  
13 the core, the why, of substance abuse. The cultural practices  
14 of pule, ho'oponopono, aloha 'aina, mahi'ai, la'au lapa'au, and  
15 aloha will help create a sensitive setting. These cultural  
16 practices have been successful in the past, possessing the  
17 optimal potential to heal an individual. A culturally-based  
18 pu'uhonua will restore and maintain a better atmosphere and  
19 relationship between family, friends, community, and society.

20 The legislature further finds that the site formerly used  
21 as the Kulani correctional facility in east Hawaii would be an  
22 ideal site for such a wellness center. It is a place of deep



1 spirituality for the Hawaiian people and, pragmatically, it has  
2 the infrastructure and historical precedent for use in  
3 sustainable living.

4       The legislature also finds that incarcerated individuals  
5 who do not pose a threat to public safety can work in the  
6 community on community projects that are accommodating to their  
7 level of skill. For example, the island of Hawaii has hundreds  
8 of acres of plant invasive species such as *Miconia calvescens*, a  
9 species of tree from South America which, according to the  
10 Smithsonian Institution, is the one plant that could really  
11 destroy the Hawaiian forest. Other areas of the State are  
12 infested with the banana polka and the albezia, which also choke  
13 and kill native plants, and the eradication of invasive species  
14 such as *miconia* has largely been the work of volunteers. Given  
15 the need for invasive species control and other work in local  
16 communities and the overcrowding of the State's correctional  
17 facilities, the legislature finds that allowing incarcerated  
18 individuals who do not pose a public safety threat to work in  
19 the community would provide valuable services while creating  
20 opportunities for incarcerated individuals to learn new skills  
21 and apply them in ways that benefit the State.

22       The purpose of this Act is to:



- 1 (1) Reduce recidivism, prevent crime, and ensure long-term
- 2 positive change by developing a plan to create a
- 3 wellness center that reestablishes highly recognized
- 4 native Hawaiian cultural practices to restore the
- 5 overall well-being of individuals, families, and the
- 6 native Hawaiian community; and
- 7 (2) Create a pilot program to allow incarcerated
- 8 individuals on the Big Island to work in the community
- 9 on community projects that benefit the local community
- 10 and the State.

11 SECTION 2. The department of public safety, working with  
12 'Ohana Ho'opakele and other restorative justice groups, is  
13 directed to prepare a plan for the creation of a pu'uhonua, or  
14 wellness center, on lands owned or controlled by the State. The  
15 public land development corporation shall assist in determining  
16 an appropriate site for the center; provided that the site  
17 formerly used as the Kulani correctional facility on the island  
18 of Hawaii shall be given preference.

19 The department of public safety shall submit a report to  
20 the legislature no later than twenty days prior to the convening  
21 of the regular session of 2013 on its plan, findings, and



1 recommendations, including any budget requests necessary to  
2 achieve the purposes of this Act.

3 SECTION 3. (a) There is created within the department of  
4 public safety a work release pilot program on the island of  
5 Hawaii to allow incarcerated individuals on the island of Hawaii  
6 to work on community projects on the island of Hawaii that  
7 benefit the local community and the State; provided that those  
8 individuals who would work outside a correctional facility as  
9 part of the work release pilot program pose no threat to public  
10 safety, as determined by the director of public safety.

11 (b) The department of land and natural resources shall  
12 collaborate with the department of public safety to identify any  
13 potential community projects on the island of Hawaii that could  
14 benefit from using incarcerated persons in accordance with this  
15 Act.

16 (c) The department of public safety may provide for the  
17 shelter of incarcerated persons outside of a correctional  
18 facility while participating in the work release pilot program  
19 on the island of Hawaii.

20 (d) The department of public safety may receive public and  
21 private grants for the purposes of this section.



1 SECTION 4. This Act shall take effect upon its approval;  
2 provided that section 3 of this Act shall be repealed on  
3 June 30, 2015.

4 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Public Lands; Kulani Correctional Facility; Public Safety; Work Release Pilot Program

**Description:**

Requires the Department of Public Safety to plan for a model wellness center that employs native Hawaiian cultural practices on state land and to submit a report to the legislature prior to the 2013 legislative session. Creates a work release pilot program on the Big Island to allow certain incarcerated individuals on the Big Island to work on community projects on the Big Island that benefit the local community and the State. Repeals pilot program on 6/30/15. (SD1)

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