

S.B. NO. 1183

JAN 24 2013

A BILL FOR AN ACT

RELATING TO INTAKE SERVICE CENTERS.

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

1 SECTION 1. Section 353-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§353-10 Intake service centers.** (a) There shall be
4 within the department of public safety, an intake service center
5 for adults in each of the counties, to screen, evaluate, and
6 classify the admission of persons to community correctional
7 centers. Each center shall be directed and managed by a manager
8 and shall be staffed by a team of psychiatrists, social workers,
9 technicians, and other personnel as may be necessary. The
10 director of public safety may appoint full-time or part-time
11 professional and clerical staff or contract for professional
12 services.

13 (b) The centers shall:

14 (1) Provide orientation, guidance, and technical services;

15 (2) Provide social-medical-psychiatric-psychological
16 diagnostic evaluation;

S.B. NO. 1183

1 (3) [†] (A) [†] Provide pretrial assessments on adult
2 offenders that are consented to by the defendant or
3 that are ordered by the court; and
4 [†] (B) [†] Conduct internal pretrial risk assessments on
5 adult offenders within three working days of admission
6 to a community correctional center which shall then be
7 provided to the court for its consideration; provided
8 that this paragraph shall not apply to persons subject
9 to county or state detainers, holds, or persons
10 detained without bail, persons detained for probation
11 violation, persons facing revocation of bail or
12 supervised release, and persons who have had a
13 pretrial risk assessment completed prior to admission
14 to a community correctional center. For purposes of
15 this [†] subparagraph [†], "pretrial risk assessment"
16 means an objective, research-based, validated
17 assessment tool that measures a defendant's risk of
18 flight and risk of criminal conduct while on pretrial
19 release pending adjudication;
20 ~~[(4) Assist in the conduct of presentence assessments on~~
21 ~~adult offenders and the preparation of presentence~~
22 ~~reports when requested by the courts;]~~

S . B . NO . 1183

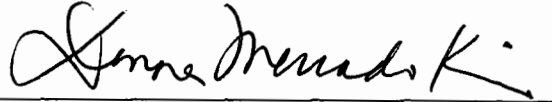
- 1 ~~[(5)]~~ (4) Provide correctional prescription program
2 planning and security classification;
- 3 ~~[(6)]~~ (5) Provide other personal and correctional services
4 as needed for both detained and committed persons; and
- 5 ~~[(7)]~~ (6) Monitor and record the progress of persons
6 assigned to correctional facilities who undergo
7 further treatment or who participate in prescribed
8 correctional programs; ~~[and]~~
- 9 ~~[(8)]~~ (7) Provide continuing supervision and control of
10 persons ordered to be placed on pretrial supervision
11 by the court and persons ordered by the director~~[-]~~;
12 and
- 13 (8) Provide pretrial bail reports to the courts on
14 adult offenders that are consented to by the defendant
15 or that are ordered by the court. The pretrial bail
16 reports shall be confidential and shall not be deemed
17 to be public records. A copy of a pretrial bail
18 report shall be provided only to:
- 19 (A) The defendant or defendant's counsel;
20 (B) The prosecuting attorney;
21 (C) The department of public safety;
22 (D) Any psychiatrist, psychologist, or other
23 treatment

S.B. NO. 1183

1 practitioner who is treating the defendant
2 pursuant to a court order;
3 (E) Upon request, the adult client services branch;
4 and
5 (F) In accordance with applicable laws, persons or
6 entities doing research."

7 SECTION 2. Statutory material to be requested is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act, upon its approval, shall take effect
10 on July 1, 2013.

11
12 INTRODUCED BY: 

13 BY REQUEST

14

S .B. NO. 1183

Report Title:

Intake Service Centers

Description:

Provides pretrial bail reports to the courts on adult offenders that are consented to by the defendant or that are ordered by the court and amends the law to provide statutory authority to the courts to treat information contained in the pretrial bail reports as confidential.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS.

PURPOSE: This is a housekeeping measure to clarify current statutory language that requires pretrial bail reports to be provided to the courts on adult offenders that are consented to by the defendant or that are ordered by the court; to confirm the authority of the intake service centers to provide pretrial bail reports on adult offenders to the courts; and to provide statutory authority to the courts to treat all information contained in a pretrial bail report as confidential.

MEANS: Amend section 353-10, Hawaii Revised Statutes (HRS).

JUSTIFICATION: As a result of different Acts in 2012 having amended section 353-10, HRS, using different terminology for pretrial bail reports and deleting confidentiality provisions with regard to bail reports, this measure is necessary to provide clarity, consistency and to address confidentiality of pretrial bail reports. Pretrial bail reports should be statutorily deemed confidential as they contain highly sensitive information that are in the normal course considered confidential.

Impact on the public: This measure will provide clarity and keep information in pretrial bail reports confidential.

Impact on the Department and other agencies: This measure will provide the courts with pretrial bail reports on adult offenders that are consented to by the defendant or that are ordered by the court. This measure will allow the

courts to receive detailed information such as the defendant's medical, mental health and substance abuse history, to assist with pretrial release decision-making.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 410.

OTHER AFFECTED
AGENCIES: Judiciary.

EFFECTIVE DATE: July 1, 2013.