

JAN 24 2013

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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 many females return  
2 to incarceration if their drug or alcohol dependencies are not  
3 treated and their recovery is not supported during their  
4 transition. The risk of females becoming repeat offenders due  
5 to substance abuse presents economic and societal costs to the  
6 public and the State's social service system.

7           Research indicates that a multitude of differing issues are  
8 associated with female incarceration, often involving unresolved  
9 sexual or physical trauma and substance abuse. In a majority of  
10 cases in the State, female offenders commit crimes that are non-  
11 violent in nature and do not pose a threat to the community.

12           The recent data from the justice reinvestment initiative  
13 show that community-based substance abuse treatment programs are  
14 more effective than in-prison treatments for rehabilitating  
15 substance abuse addictions, especially for non-violent female  
16 offenders, to break the cycle of substance abuse, crime, and  
17 incarceration.



1           Since the majority of incarcerated female offenders are  
2 mothers of minor children, issues that stem from fragmented  
3 families often become intergenerational problems. This is  
4 evidenced by the fact that the women's community correctional  
5 center has mothers and daughters serving sentences together.

6           Structured community placement helps females adjust to  
7 greater independence as they transition and reunite with their  
8 children and families, resulting in a more integrated and  
9 seamless resocialization and reentry process.

10           The purpose of this Act is to authorize eligible non-  
11 violent females to be paroled into structured community  
12 placement programs monitored by private organizations, where  
13 they will have access to appropriate gender-responsive services.

14           SECTION 2. Section 353-64, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§353-64 Committed persons paroled.** (a) Any committed  
17 person confined in any state correctional facility in execution  
18 of any sentence imposed upon the committed person, except in  
19 cases where the penalty of life imprisonment not subject to  
20 parole has been imposed, shall be subject to parole in the  
21 manner and form as set forth in this part; provided that the  
22 committed person shall be paroled in the county where the



1 committed person had a permanent residence or occupation or  
2 employment prior to incarceration, unless:

3 (1) The committed person will reside in a county in which  
4 the population exceeds eight-hundred thousand persons;

5 (2) The committed person will be released for immediate  
6 departure from the State; or

7 (3) The committed person shall be released to the county  
8 in the State in which the committed person has the  
9 greatest family or community support, opportunities  
10 for employment, job training, education, treatment,  
11 and other social services, as determined by the Hawaii  
12 paroling authority; provided that to be considered for  
13 parole to another county in the State, the committed  
14 person shall provide a written request to the  
15 department not less than six months prior to the  
16 expiration of the committed person's longest minimum  
17 sentence.

18 Provided further that to be eligible for parole, the committed  
19 person, if the person is determined by the department to be  
20 suitable for participation, must have been a participant in an  
21 academic, vocational education, or prison industry program  
22 authorized by the department and must have been involved in or



1 completed the program to the satisfaction of the department; and  
2 provided further that this precondition for parole shall not  
3 apply if the committed person is in a correctional facility  
4 where academic, vocational education, and prison industry  
5 programs or facilities are not available. A grant of parole  
6 shall not be subject to acceptance by the committed person.

7 (b) Eligible non-violent female offenders may be paroled  
8 into a structured community placement program monitored by  
9 private organizations."

10 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Will Eyo

*James H. Lee*  
*JEH*



# S.B. NO. 1253

**Report Title:**

Parole; Structured Community Placement; Non-violent Female Offenders

**Description:**

Permits eligible non-violent female offenders to be paroled into structured community placement programs monitored by private organizations.

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