
A BILL FOR AN ACT

RELATING TO INCARCERATED PARENTS.

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

1 SECTION 1. The legislature finds that the State has a
2 significant interest in addressing the unique needs of children
3 in Hawai'i with incarcerated parents. Act 250, Session Laws of
4 Hawai'i 2007, acknowledged the growing body of research
5 demonstrating that children with incarcerated parents often
6 suffer great trauma due to the multitudinous negative
7 consequences resulting from their parents' incarceration. Those
8 consequences may include separation from their parent or
9 parents, displacement from their home, social stigma, emotional
10 isolation, and financial strain on their caregivers.

11 As a result, children with incarcerated parents often
12 suffer from emotional distress, developmental challenges, poor
13 academic performance, aggressive behavior, and truancy, and may
14 more frequently become involved with the criminal justice
15 system. Accordingly, Act 8, First Special Session Laws of
16 Hawai'i 2007, noted that "[o]ne of the most significant social
17 costs of incarceration is its impact on children."



1 The legislature further finds that there continues to be a
2 lack of rudimentary data necessary to address the unique needs
3 of children in Hawai'i with incarcerated parents. Act 250 noted
4 the concern that there has historically been "no means of
5 determining the exact number of incarcerated individuals with
6 minor children in Hawaii as no procedure is in place for
7 collecting such data." In both 2006 and 2008, a legislatively
8 convened task force recommended that the department of public
9 safety and other state agencies coordinate the systemic
10 collection of information on incarcerated parents and their
11 children, for data analysis and service provision purposes.
12 Notwithstanding these concerns and recommendations, Hawai'i still
13 has no system in place to identify incarcerated parents and
14 their children, or to collect information about them and their
15 needs.

16 Accordingly, the purpose of this Act is to require
17 department of public safety intake centers to conduct or
18 coordinate the collection of data on incarcerated parents and
19 their children in order to identify and address the unique needs
20 of this population.



1 SECTION 2. Section 353-10, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The centers shall:

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

5 (2) Provide social-medical-psychiatric-psychological
6 diagnostic evaluation;

7 (3) Conduct internal pretrial risk assessments on adult
8 offenders within three working days of admission to a
9 community correctional center which shall then be
10 provided to the court for its consideration; provided
11 that this paragraph shall not apply to persons subject
12 to county or state detainers, holds, or persons
13 detained without bail, persons detained for probation
14 violation, persons facing revocation of bail or
15 supervised release, and persons who have had a
16 pretrial risk assessment completed prior to admission
17 to a community correctional center. For purposes of
18 this [+]paragraph[+], "pretrial risk assessment" means
19 an objective, research-based, validated assessment
20 tool that measures a defendant's risk of flight and



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



- 1 (C) To the department of public safety;
- 2 (D) To any psychiatrist, psychologist, or other
- 3 treatment practitioner who is treating the
- 4 defendant pursuant to a court order;
- 5 (E) Upon request, to the adult client services
- 6 branch; and
- 7 (F) In accordance with applicable laws, persons, or
- 8 entities doing research[-]; and
- 9 (9) Collect or coordinate the collection of data on the
- 10 number of incarcerated parents, the number of minor
- 11 children with incarcerated parents, and other
- 12 information about children with incarcerated parents
- 13 that the department deems useful to facilitate the
- 14 provision of services to incarcerated parents and
- 15 their children."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:



By Request

JAN 22 2015



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Report Title:

OHA Package; Corrections; Incarcerated Parents; Data Collection

Description:

Requires PSD intake service centers to coordinate the collection of data regarding incarcerated parents.

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

