

# S.B. NO. 2912

JAN 27 2016

## A BILL FOR AN ACT

RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM.

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

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

3 "[+]§353E-1[+] Sex offender treatment; statewide program  
4 established. There is established [a] the statewide[~~r~~]  
5 integrated sex offender treatment program for the treatment of  
6 adult sex offenders in the custody of the State, to be  
7 implemented on a cooperative basis by the department of public  
8 safety, the judiciary, and the Hawaii paroling authority, and  
9 any other agency that may be assigned sex offender oversight  
10 responsibilities. The [~~agencies~~] sex offender treatment program  
11 shall:

12 (1) Develop and continually update, as necessary, a  
13 comprehensive statewide master plan for the  
14 assessment, evaluation, treatment, and supervision of  
15 sex offenders that provides for a continuum of  
16 programs under a [~~uniform treatment~~] best practices  
17 philosophy;

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- 1           (2) Develop and implement a statewide, integrated system  
2           of sex offender assessment, evaluation, treatment, and  
3           supervision services and programs that reflect the  
4           goals and objectives of the master plan;
- 5           (3) Identify all offenders in their custody who would  
6           benefit from sex offender treatment;
- 7           (4) Work cooperatively to monitor and evaluate the  
8           development and implementation of sex offender  
9           assessment, evaluation, supervision, and treatment  
10          programs and services;
- 11          (5) Develop appropriate training and education programs  
12          for public and private providers of sex offender  
13          treatment, assessment, evaluation, and supervision  
14          services;
- 15          (6) Conduct research and compile relevant data on sex  
16          offenders;
- 17          (7) Work cooperatively to develop a statewide management  
18          information system for sex offender treatment;
- 19          (8) Make every effort to secure grant funds for research,  
20          program development, training, and public education in  
21          the area of sex assault prevention;

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- 1           (9) Network with public and private agencies that come  
2           into contact with sex offenders to keep abreast of  
3           issues that impact ~~en~~ and increase community  
4           awareness regarding~~r~~ the statewide sex offender  
5           treatment program;
- 6           (10) As far as practicable, share information and pool  
7           resources to carry out responsibilities under this  
8           chapter; ~~and~~
- 9           (11) Coordinate their funding requests for sex offender  
10          treatment programs to deter competition for resources  
11          that might result in an imbalance in program  
12          development that is detrimental to the master plan  
13          treatment concept~~-~~; and
- 14          (12) Develop and implement standards and guidelines for the  
15          assessment, evaluation, treatment, and supervision of  
16          sex offenders."

17           SECTION 2. Section 353E-2, Hawaii Revised Statutes, is  
18          amended to read as follows:

19           "**§353E-2 Interagency coordination.** (a) To carry out  
20          their responsibilities under section 353E-1, the department  
21          of public safety, Hawaii paroling authority, judiciary,  
22          department of health, department of human services, and any

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1 other agency assigned sex offender oversight responsibilities by  
2 law or administrative order, shall establish, by an interagency  
3 cooperative agreement, a coordinating body, to be known as the  
4 sex offender management team, to oversee the development and  
5 implementation of sex offender assessment, evaluation,  
6 treatment, and supervision services and programs in the State  
7 ~~[to ensure compliance with the intent of the master plan~~  
8 ~~developed under]~~ consistent with section 353E-1(1). The  
9 interagency cooperative agreement shall set forth the role of  
10 the ~~[coordinating body]~~ sex offender management team and the  
11 responsibilities of each agency that is a party to the  
12 agreement.

13 (b) The department of public safety shall be the lead  
14 agency for the statewide sex offender treatment program. As the  
15 lead agency, the department shall act as facilitator of the  
16 ~~[coordinating body]~~ sex offender management team by providing  
17 administrative support to the ~~[coordinating body]~~ sex offender  
18 management team.

19 (c) Notwithstanding any other provision to the contrary,  
20 for purposes of sex offender treatment and community  
21 supervision, any agency that is part of the interagency  
22 cooperative agreement shall provide, upon the request of any

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1 other participating agency, all relevant criminal, parole,  
2 medical, psychological, or mental health records of any offender  
3 receiving supervision or treatment while under custody of the  
4 State. Records received by a participating agency under this  
5 section shall be confidential and shall be disclosed by the  
6 receiving agency only for the purposes and under the  
7 circumstances expressly authorized by this section. Any agency  
8 providing records under this section shall document the  
9 disclosures made under this section, including the name of the  
10 agency to which the record is disclosed, the title of the record  
11 disclosed, and the date of disclosure.

12 (d) Notwithstanding any provision to the contrary, the  
13 statewide integrated sex offender treatment program established  
14 by this chapter is not subject to the requirements of chapter  
15 92."

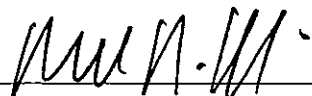
16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



21

BY REQUEST

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**Report Title:**

Statewide Integrated Sex Offender Treatment Program

**Description:**

Amends chapter 353E, Hawaii Revised Statutes (HRS), to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "sex offender management team." Exempts the statewide integrated sex offender treatment program from the requirements of chapter 92, HRS.

*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 THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM.

PURPOSE: Amend chapter 353E, Hawaii Revised Statutes (HRS), to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders; limit focus of sex offender treatment program to adult sex offenders (Sec. 1, line 5); to identify the "Sex Offender Management Team" as the "coordinating body" for the sex offender management collaboration, as stated in section 353E-2(a), HRS; and to exclude the statewide integrated sex offender treatment program from the requirements of chapter 92, HRS, because of the nature of the population involved.

MEANS: Amend sections 353E-1 and 353E-2, HRS. .

JUSTIFICATION: Chapter 353E, HRS, does not currently reflect nationally recognized best practices in the statewide, integrated programming for sex offenders. Updating the sex offender treatment program's master plan, goals, and objectives should include assessment, evaluation, treatment, and supervision, which are important to effectively managing sex offenders and keeping communities safe.

Impact on the public: None.

Impact on the department and other agencies:  
The Department of Public Safety, Judiciary, Department of Health, Department of Human Services, (Sec. 2, lines 21-22), and Hawaii Paroling Authority will need to follow best practices in the statewide, integrated programming for sex offenders.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED

AGENCIES:

Judiciary; Department of Health; Department  
of Human Services; Hawaii Paroling Authority.

EFFECTIVE DATE:

Upon approval.