

CHAPTER 352 [OLD]
HAWAII YOUTH CORRECTIONAL FACILITY

REPEALED. L 1980, c 303, §8(1).

CHAPTER 352
HAWAII YOUTH CORRECTIONAL FACILITIES

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Note

Juvenile justice oversight advisory council; annual reports; report to 2016 legislature and executive and judicial branches (repealed last day of 2016 regular session). L 2014, c 201, §16.

Cross References

Intermediate sanctions for selected offenders and defendants, see §§353-10.5, 353-63.5, and 706-605.1.

Transfer of functions, see §352D-4.

Case Notes

As this chapter clearly mandates that youth correctional facilities be placed under the supervision of the department of human services, the Hawaii youth correctional facility is a state correctional facility. 113 H. 60, 148 P.3d 493 (2006).

Community correctional center holding unit was not a "facility". 7 H. App. 247, 753 P.2d 816 (1988).

" **§352-1 Definitions.** In this chapter, unless the context clearly indicates otherwise:

"Department" means the department of human services; provided that the powers, duties, and functions relating to the Hawaii youth correctional facilities shall be administered by the office of youth services.

"Director" means the executive director of the office of youth services.

"Discharge" means the ending of the executive director of the office of youth services' supervision of a person when the term of the person's commitment has ended or when the director believes the purpose of the term of commitment has been achieved.

"Furlough" means an authorized absence of short duration from a youth correctional facility.

"Parole" means the conditional release of a person committed to a youth correctional facility whereby the person remains in the custody of the director and under the supervision of the juvenile parole office.

"Term of commitment" means the time period during which family court retains jurisdiction over a person after adjudication. During the term of commitment, the family court may vest custody of the person in another person, organization, agency, facility, or other suitable entity. [L 1980, c 303, pt of §8(1); am L 1985, c 209, §4; am L 1986, c 297, §4; am L 1987,

c 338, §§2, 10; am L 1989, c 211, §8; am L 1991, c 114, §2; am L 2003, c 95, §10(1)]

" **§352-2 REPEALED.** L 1985, c 156, §2.

" **§352-2.1 Purpose.** (a) This chapter creates within the department of human services, and to be placed within the office of youth services under the supervision of the director and such other subordinates as the director shall designate, the Hawaii youth correctional facilities, to provide for the custody, rehabilitation, and institutional care and services to prepare for reentry into their communities and families, youth committed by the courts of the State.

(b) The policy and purpose of this chapter is to harmonize the sometimes conflicting requirements of public safety, secure placement, and individualized services for law violators in the custody and care of the director. To that end, the director shall provide the opportunity for intelligence and aptitude evaluation, psychological testing and counseling, prevocational and vocational training, and employment counseling to all persons committed to the Hawaii youth correctional facilities. Counseling services shall be available to the committed person's family during the term of commitment. The director shall coordinate services provided to the facilities by other departments and agencies, to realize these policies and purposes. [L 1985, c 156, §3; am L 1987, c 338, §10; am L 1989, c 211, §8; am L 1991, c 114, §3; am L 2007, c 33, §1]

Case Notes

As this chapter clearly mandates that youth correctional facilities be placed under the supervision of the department of human services, the Hawaii youth correctional facility is a state correctional facility. 113 H. 60, 148 P.3d 493 (2006).

" **§352-3 Contracting with private agencies for residential youth facilities.** The department may contract with private agencies to provide residential youth facilities. [L 1980, c 303, pt of §8(1)]

" **§352-4 Rules and regulations.** The director may adopt rules and regulations to carry out the purposes of this chapter. The rules and regulations shall be approved by the governor but shall not be subject to chapter 91 or require publication in order to be valid and binding upon all committed persons and officers and employees of such facilities. The rules shall be printed from time to time. [L 1980, c 303, pt of §8(1)]

" **§352-5 Staff standards and training.** The director shall establish written standards of conduct and operation to govern each staff member during working hours. New staff members shall undergo initial training to prepare them to comply with the standards. Attendance at periodic training sessions shall be mandatory to increase staff members' effectiveness in carrying out their duties. For purposes of this section, "staff member" means any employee of the Hawaii youth correctional facilities who is directly involved with the treatment and care of persons committed to a facility. [L 1980, c 303, pt of §8(1)]

" **§352-5.5 Criminal history record checks.** (a) The department shall develop standards to ensure the reputable and responsible characters of staff members of the Hawaii youth correctional facility which shall include criminal history record checks in accordance with section 846-2.7.

(b) Staff members, as defined in section 352-5, including any new staff members, shall:

- (1) Be subject to criminal history record checks in accordance with section 846-2.7; and
- (2) Provide consent to the department to obtain other criminal history record information for verification.

New staff members shall be fingerprinted within five working days of beginning employment for the purpose of complying with the criminal history record check.

(c) The department shall obtain criminal history record information through the Hawaii criminal justice data center on all staff members and new staff members of the Hawaii youth correctional facility. The department shall conduct an annual name inquiry into the state criminal history record files.

(d) The department may deny employment to a staff member or new staff member who was convicted of a crime other than a minor traffic violation involving \$50 or less and if the department finds that because of the criminal history record of the staff member or new staff member, the staff member poses a risk to the health, safety, security, or well-being of youths under supervision and confinement. [L 1985, c 209, §5; am L 2003, c 95, §10(2)]

" **§352-6 Appropriation made out of general revenues.** All appropriations for the director and for facilities under the control of the director shall be made from and out of any available moneys received from the general revenues of the State and not out of the special fund for the maintenance of public schools. [L 1980, c 303, pt of §8(1)]

" **§352-7 Records.** The director shall establish a record of all facts relating to the admission, discharge, escape, death, medical history, programs, and significant occurrences concerning a committed person. An exact account shall also be kept of all moneys received for work performed by the committed persons and from authorized sources for the use of any committed person, as well as of the expenditure of such moneys as shall be authorized from time to time by the director. The director shall report any information collected except psychiatric reports to the juvenile justice information system. The date of preparation, the preparer, and the existence of a psychiatric report may be included in the juvenile justice information system. [L 1980, c 303, pt of §8(1); am L 1991, c 311, §3]

Cross References

Juvenile justice information system, see chapter 846D.

" **§352-8 Guardianship and custody of the person committed.**
(a) Notwithstanding any law to the contrary, the director shall be the guardian of every youth committed to or received at the Hawaii youth correctional facilities. The director shall have all the powers and duties of a natural guardian of the youth; provided that the director shall not be liable in damages for the tortious acts committed by the youth.
(b) The director shall have custody of any committed person who is eighteen years of age or older for the period provided for by the court. [L 1980, c 303, pt of §8(1); am L 2004, c 161, §36]

Case Notes

State has duty to exercise reasonable care in its supervision of persons committed to its custody. 61 H. 369, 604 P.2d 1198 (1979).

" **[§352-8.5] Reentry plans; notification.** (a) The director or the director's designee shall develop a comprehensive reentry plan for each person committed to the Hawaii youth correctional facilities who is not serving a concurrent term of probation. The scope of the reentry plan shall address the period of time from admission to the Hawaii youth correctional facilities until parole or final discharge from the department. The reentry plan shall seek to prepare committed persons for transition to the community. The reentry plan required under this section shall be completed within thirty days of a person's commitment to the Hawaii youth correctional facilities and shall include:

- (1) Programming, treatment, and service needs identified in the most recently conducted risk and needs assessment;
- (2) Individualized goals to guide successful reentry to the community during parole or following final discharge; and
- (3) Identification of, and a plan for, coordination with agencies that can provide or contract for existing programs and services relevant or necessary for successful reentry.

(b) The director or the director's designee shall consult with a committed person's parent, legal guardian, or custodian in developing the terms of the reentry plan and provide written copies of the plan to the committed person and the committed person's parent, legal guardian, or custodian. If requested, the director or the director's designee shall provide regular updates on the committed person's progress concerning the reentry plan to the committed person's parent, legal guardian, or custodian.

(c) The director or the director's designee may collaborate with, and provide information to, the probation officer of a person committed to the Hawaii youth correctional facilities who is serving a concurrent term of probation, upon the probation officer's request, for the probation officer to incorporate the reentry plan into the person's case plan required under section 571-48.5 at the probation officer's discretion.

(d) The director or the director's designee shall notify the parent, legal guardian, or custodian, and any relevant agency or service provider that may be involved in the person's transition to the community, at least thirty days prior to discharging a committed person, of the intended discharge of the person.

(e) The director or the director's designee shall review, and update if necessary, reentry plans for each person taken into custody pursuant to section 352-26. [L 2014, c 201, §2]

Note

Section applies to delinquent behavior committed on or after July 1, 2014. L 2014, c 201, §21.

" **§352-9 Period committed.** (a) All persons committed to the Hawaii youth correctional facilities shall be committed for the period of their minority or as otherwise ordered by the court. Such persons may be placed on furlough or parole if deemed appropriate. The power to discharge a person committed to a

youth correctional facility is reserved to the director; provided that the director shall give a thirty-day notice of such intended discharge to the appropriate court and to the prosecutor's office of the appropriate county. Prior court approval for furlough, parole, or discharge of all minors, committed by the family court to a youth correctional facility for the period of their minority or otherwise, shall be obtained when such is specifically required in the commitment order. In any case, no person nineteen years or older shall be incarcerated in a youth correctional facility.

(b) In those cases where the term of commitment to a youth correctional facility extends beyond the person's nineteenth birthday, the person shall be placed on juvenile parole pursuant to the original family court order for the balance of the person's term of commitment; provided that such term does not extend beyond the person's twentieth birthday unless earlier terminated. [L 1980, c 303, pt of §8(1); am L 1990, c 92, §1; am L 1997, c 325, §1; am L 1998, c 190, §1]

" **§352-10 Circuit court disposition of offenders under eighteen years.** The circuit court may commit all offenders under eighteen years of age, duly convicted before the court, to the Hawaii youth correctional facilities in all cases where the court deems the sentence to be more suitable than the punishment otherwise authorized by law. In such a case, when the term of confinement ordered by the court extends beyond the offender's eighteenth birthday, the offender shall, upon reaching the age of eighteen, be committed to the custody of the department of public safety for completion of the sentence. Persons committed to the Hawaii youth correctional facilities under this section may be furloughed or paroled by the director, unless the commitment order issued by the court requires prior approval by the court or unless the offender is subject to a mandatory term of imprisonment which term has not yet expired. [L 1980, c 303, pt of §8(1); am L 1997, c 318, §1]

" **§352-11 Commitments directed, how.** All commitments from the family courts of the State shall be directed to the director and may specify the appropriate facility for placement purposes. The committing court or judge shall designate a juvenile probation officer, police officer, or any qualified person to deliver the committed person to a youth correctional facility. The officer or person designated to deliver the committed person to the designated facility shall be charged by such commitment with the execution of all orders for the custody and safekeeping of the person committed to the director until delivered to the director or the director's duly authorized agent. All direct

expenses excluding salaries or wages attending the delivery of such committed persons to their places of destination shall be paid by the court. The director shall be charged by such commitments with the execution of all orders for the custody, placement, and safekeeping of the committed persons. [L 1980, c 303, pt of §8(1)]

" **§352-12 Segregation of committed persons.** Persons committed to the youth correctional facilities shall be kept segregated based on considerations including age, maturity level, attitude, behavior, offense committed, commitment period, and rehabilitation status. [L 1980, c 303, pt of §8(1)]

" **§352-13 Evaluation, counseling, training.** The director shall provide the opportunity for intelligence and aptitude evaluation, psychological testing and counseling, prevocational and vocational training, and employment counseling to all persons committed to the youth correctional facilities. Counseling services shall be available for the committed person's family including a reciprocal beneficiary, during the term of commitment. [L 1980, c 303, pt of §8(1); am L 1997, c 383, §50]

" **§352-14 Educational programs provided by the department of education.** The department of education shall provide educational programs for those persons committed to the youth correctional facilities. These educational programs shall be adapted to the needs of the persons committed as prescribed by the department of education in coordination with the director. [L 1980, c 303, pt of §8(1); am L 1987, c 338, §10; am L 1989, c 211, §8; am L 1991, c 114, §4]

" **§352-15 Recreational and program activities.** The director shall provide the opportunity for the recreation of those persons committed to the facilities. Work programs for such persons shall be established and may include farming, sewing, plant nursery, and animal husbandry. [L 1980, c 303, pt of §8(1)]

" **§352-16 Establishment of work release.** (a) The director, in accordance with rules and regulations adopted by the director, may establish a work release plan for persons who are committed to the director's care and who are receiving care and treatment in a youth correctional facility; provided that such a plan shall not interfere with any educational program in which such persons may be enrolled.

(b) Under such a work release plan, any such person may be authorized to secure or continue in suitable employment outside of such youth correctional facility, and unless otherwise authorized by the department with respect to specific cases, return to and remain in such facility during non-working hours.

(c) Employment under such a work release plan may be at a wage less than the minimum wage authorized in chapter 387; provided that no more than five hours of a person's workweek shall be paid at wages less than the minimum wage.

(d) It shall be the duty of the employer of a person participating in a work release plan to transmit to the director the earnings of such persons. The transmission to the director of the earnings of such person shall operate to discharge such employer from any further obligation to such person except with respect to any taxes lawfully withheld from the wages of such person.

(e) The earnings transmitted to the director by a person's employer under a work release plan shall be held to the account of such person. [L 1980, c 303, pt of §8(1); am L 1981, c 224, §1]

" **§352-17 Compensation in facilities.** The director may provide, in accordance with rules and regulations adopted by the director, for the payment of compensation, which shall not be considered as wages, for work performed by a person placed in a youth correctional facility while in such facility and not participating in a work release plan under section 352-16. The compensation shall be credited to the account of such person. [L 1980, c 303, pt of §8(1)]

" **§352-18 Establishment of trust accounts.** All sums collected pursuant to sections 352-16 and 352-17, and from other authorized sources shall be placed in a bank trust account or federally insured savings account to the credit of persons committed pursuant to this chapter. The director or director's agent shall maintain individual ledger accounts for each committed person and shall issue each person a periodic statement showing deposits and withdrawals. [L 1980, c 303, pt of §8(1)]

" **§352-19 Withdrawals from accounts.** (a) The director may permit withdrawals by a committed person from the person's account for the following purposes:

- (1) Disbursement to the dependents of such person for such amounts as the person is legally obligated to pay;

- (2) To satisfy the whole or part of any debt of such person;
- (3) Disbursement to relatives of the person;
- (4) To secure a release from any person making a claim against the committed person for crimes affecting property.

(b) The director may make withdrawals from a committed person's account for purposes of restitution payments as ordered by a court.

(c) The director may retain any balance remaining until the termination of the director's legal custody of such person at which time the director shall transfer the balance to the person, the person's guardian, or to whomever legal custody is transferred. [L 1980, c 303, pt of §8(1)]

" **§352-20 Disposition of inactive accounts.** Where money in an individual person's account on the books of the Hawaii youth correctional facilities has not been claimed by such person or the person's legal representative within one year after the person has or would have reached the age of majority, the director shall remit to the director of finance all moneys standing to the credit of the person in the account, taking the receipt of the director of finance therefor. All such moneys shall thereupon, become a state realization; provided that at any such time within five years after the payment into the treasury of moneys from any such account, the person or the legal representative of the person, who would have been entitled to receive the same from the director upon making satisfactory proof to the comptroller of the State of such right, shall receive the amount thereof out of any moneys not otherwise appropriated upon warrant drawn by the comptroller. [L 1980, c 303, pt of §8(1)]

" **§352-21 Youth correctional facilities' benefit fund; disposition of income.** The director shall establish a youth correctional facilities' benefit fund for the purpose of the welfare and recreation of the persons committed. The director shall deposit all moneys arising from any program activities at the facilities, except those amounts credited to the committed persons' accounts pursuant to section 352-18, to the credit of the youth correctional facilities' benefit fund. [L 1980, c 303, pt of §8(1)]

" **§352-22 Periodic reexamination of status of persons committed to the department.** The director shall cause to be made periodic reexamination of the status of each person who is

committed to the department and who has not been finally discharged from such commitment, which shall:

- (1) Include a study of all pertinent circumstances of such person's personal and family situation and an evaluation of the progress made by such person since the previous study;
- (2) Be made for the purpose of ascertaining all relevant facts necessary to determine whether existing decisions, orders, and dispositions with respect to such persons should be modified or continued in force; and
- (3) Be conducted as frequently as the department deems necessary but in any event, at intervals not to exceed six months with respect to each such person. [L 1980, c 303, pt of §8(1)]

" **§352-23 Community services program.** There is established a community services program within the youth correctional facilities which shall coordinate the placement of persons committed to the care of the director in educational, vocational, and work release programs and residential placement. The program also shall advise the director or the director's duly authorized agent as to the granting of parole, furlough, release, and other matters affecting the commitment of a person. [L 1980, c 303, pt of §8(1); am L 1987, c 132, §1]

" **[§352-23.5] Gender-responsive, community-based programs for female adjudicated youth.** Subject to funding by the legislature, the office of youth services shall develop and make available gender-responsive, community-based programs for female adjudicated youth by providing female adjudicated youth the appropriate range of opportunities to ensure that their needs are met. Program models designed to address the needs of female adjudicated youth shall include but are not limited to:

- (1) Appropriate treatment, including mental health and substance abuse treatment;
- (2) Individualized case management to help female juvenile offenders set and achieve goals;
- (3) Life skills development workshops, including budgeting, money management, nutrition, and exercise;
- (4) Development of self-determination through education; employment training; special education for the learning disabled; and social, cognitive, communication, and life skills training;
- (5) Family-focused programming, including issues relating to pregnancy and single parenthood;
- (6) Peer support and the development of peer networks;

- (7) Transitional support for female adjudicated youth and their families to promote successful reentry into their families, schools, and communities;
- (8) Highly skilled staff experienced in working with female adjudicated youth and their concerns;
- (9) Formal recognition of participant achievement;
- (10) Ongoing attention to building community-based support;
- (11) Assistance for female adjudicated youth who need to develop a marketable job skill and a career plan;
- (12) Geographical proximity to children and family;
- (13) Preparation of female adjudicated youth for the resumption of their education; and
- (14) The goal of providing a gender-responsive continuum of care. [L 2006, c 258, §3]

Cross References

Parity for female offenders, see chapter 367D.

" **§352-24 Juvenile parole program.** The director shall establish a program of juvenile parole. The duties of the juvenile parole officer shall include:

- (1) Assisting in locating appropriate residential placement for paroled persons;
- (2) Efforts to obtain suitable employment for paroled persons;
- (3) Assisting a paroled person in adjusting to community life by familiarizing the person with available community resources and providing opportunities for counseling;
- (4) Maintaining a record of all paroled persons and periodically updating information therein concerning the residence, employment, and wages, and such details concerning the person's health, conduct, and environment as may come to the juvenile parole officer's attention either from reports or through the officer's own personal investigation;
- (5) To make such other investigations, secure such other information and data, perform such other duties, and make such other reports, in addition to those which may be required by law, as may be required by the director. [L 1980, c 303, pt of §8(1); am L 1987, c 132, §2]

" **§352-25 Furlough, parole, discharge.** (a) The director, for good reasons shown to the director's satisfaction, may furlough or parole any person committed to the director's

custody. The director shall give the court and the prosecutor's office of the appropriate county a thirty-day notice prior to discharging a committed person. Prior court approval shall be obtained when such is specifically required in the commitment order.

No furlough, parole, or discharge shall be granted unless it appears to the director that there is a reasonable probability that the person will not violate the law and that the person's release is not incompatible with the welfare and safety of society.

(b) When granting parole, the director shall consider whether:

- (1) The results of a risk and needs assessment indicate the person is at a lower risk to reoffend;
- (2) The person has substantially complied with the facility rules and has had no significant misconduct in the prior two months;
- (3) The person has demonstrated efforts toward rehabilitation;
- (4) The person is likely to follow the reentry plan established pursuant to section 352-8.5; and
- (5) A home visit has been completed and the living situation upon parole is determined to be safe and conducive to rehabilitation.

The form of furlough or parole may include return to the person's own home, transfer to another youth correctional facility, a group home or foster home placement, or other appropriate alternative. Nonresidential programs may be made available to selected persons on furlough such that they return to the facility during nontreatment hours.

(c) The director shall submit an annual report to the board of family court judges and the Hawaii juvenile justice state advisory council. The report shall include the number of persons committed to the director's custody who are not serving a concurrent term of probation, the number of those persons who were granted parole in the previous year, the length of the parole term for each paroled person, and the number of persons on parole who return to the Hawaii youth correctional facilities for any reason. [L 1980, c 303, pt of §8(1); am L 1990, c 92, §2; am L 1997, c 325, §2; am L 2014, c 201, §4]

Note

The 2014 amendment applies to delinquent behavior committed on or after July 1, 2014. L 2014, c 201, §21.

" **§352-26 Taking into custody and detaining persons for violations of terms and conditions of parole and furlough and attempted escape.** (a) With respect to any person whose legal custody was vested in the director, who has been paroled or furloughed from a youth correctional facility by the director and returned to the person's own home or other place within the community, the provisions of subsection (b) or (c) shall apply, if, in the opinion of a designated employee of the department, such person is in violation of the terms and conditions of the person's parole or furlough.

(b) In the case of a person under nineteen years of age, such designated employee may:

(1) Notify the director or the director's designated agent of such alleged violation and, if the director issues a written order to such effect, take such person into custody and place such person in such appropriate youth correctional facility as may be designated in such order until determinations as to such person's further care and treatment are made. In the event of retaking for an alleged violation of parole, the director or the director's agent shall notify the person, and the person's parent, guardian, or custodian of the right to legal counsel and to appeal the issuance and execution of such order. The office of juvenile parole shall hold a hearing within thirty days after the person's return to determine whether parole should be revoked. The juvenile parole office staff shall render reasonable aid to the person in preparation for the hearing.

(2) Take such person into custody and place the person in an appropriate youth correctional facility until determinations as to such person's further care and treatment are made by the department if such employee has reason to believe that permitting such person to remain in the person's own home or other place within the community would be dangerous to the person or to the community or that such person is about to flee the jurisdiction of the department. Such employee, at the time of taking such person into custody, shall advise such person as to the specific terms and conditions of the person's parole or furlough which the person is alleged to have violated and of the person's right to legal counsel and appeal. Provisions regarding possible parole revocation shall apply as enumerated in paragraph (1).

(c) In the case of a nineteen-year-old person such a designated employee may:

- (1) Take the person into custody and place the person in an appropriate adult correctional facility if the alleged violation constitutes a crime and the director has been notified and subsequently issued a written order to that effect. In the event of retaking for such an alleged violation of parole, the director or the director's agent shall notify the person of the right to legal counsel and to appeal the issuance and execution of such order. The office of juvenile parole shall hold a hearing within thirty days after the person's incarceration in an adult facility to determine whether parole should be revoked. The juvenile parole office staff shall render reasonable aid to the person in preparation for the hearing.
- (2) Notify the director of an alleged violation of parole. The director may petition the family court for an ex parte order based on the alleged violation to take the person into custody and place the person in an appropriate adult correctional facility. The person shall be notified of the issuance and execution of such a court order and of the right to legal counsel and appeal. A juvenile parole office hearing shall be held within thirty days after a person's placement in an adult facility to determine whether parole shall be revoked.

(d) Any person whose legal custody has been vested in the director and who has escaped from the facility may be taken into custody by a police officer or an employee of the department without a warrant or an order issued by the director and returned to the facility.

(e) When called upon by any designated employee of the department, any police officer shall assist in taking a person into custody pursuant to the provisions of this section. [L 1980, c 303, pt of §8(1)]

" **§352-26.1 Public disclosure of information upon escape.** The director, with the concurrence of the police, shall publicly disclose the name, the place of residence, a photograph, and the prior adjudications for offenses which, if the person were an adult, would be a felony, of any person who escapes while committed to the youth correctional facility; provided that the crime for which the person was committed involved the use of force or violence or the threat of force or violence, which is punishable as a felony. [L 1983, c 157, §1]

" **§352-27 Harboring or concealing a person away from custody assigned by competent authority.** Any person who knowingly and

intentionally harbors or conceals a person who was in the custody of a Hawaii youth correctional facility, guardian, employer, or any other person with whom the person was placed by the court or the director without the permission of the custodian, guardian, employer, or such other person shall be guilty of a misdemeanor offense. [L 1980, c 303, pt of §8(1)]

" **§352-28 REPEALED.** L 2011, c 18, §1.

" **§352-29 Termination of director's right to supervise person.** (a) The authority of the director to supervise the conduct of a person who has been committed to the director's care, unless such authority shall be sooner terminated pursuant to this chapter or chapter 571, shall cease:

- (1) At the time of sentencing for any subsequent offense for which the committed person has been waived pursuant to section 571-22 and has been convicted by a court of competent criminal jurisdiction;
- (2) At the expiration date of the order of commitment issued unless the director has, prior to such expiration date, sought and obtained from the court an extension of such order;
- (3) Whenever the director, prior to the termination otherwise of such order, determines that the purposes of such order have been achieved in the case of a person under age eighteen; provided that if the commitment order reserves the prior approval of the family court for any discharge before termination, the director shall obtain approval of the court for a discharge; or
- (4) Whenever the director, prior to the termination otherwise of such order, determines that the purposes of such order have been achieved in the case of a person committed to a term extending beyond the person's eighteenth birthday and obtains court approval prior to discharge.

(b) The director, in each case described in subsection (a)(2), (3) and (4) of this section, shall immediately notify the person, the court, the police department of the county where the committed person resided before commitment, and, if a minor, the person's parent or guardian of the termination of the director's supervision over such person, provided that in cases covered by subsection (a)(1), the sentencing court shall provide such notification including notice to the director. [L 1980, c 303, pt of §8(1); am L 1981, c 134, §1; am L 1997, c 325, §4]

Revision Note

In subsection (a)(1) and (2), "or" deleted pursuant to §23G-15.

" **§352-30 Delegation of responsibilities.** The director may delegate any of the director's responsibilities pursuant to this chapter to a representative of the department except those that relate to discretionary discharge before the term of the person's commitment has ended. [L 1980, c 303, pt of §8(1); am L 1981, c 19, §1]

" **§352-31 Costs.** All costs incurred under section 352-28 shall be paid by the director out of any funds appropriated for the Hawaii youth correctional facilities. [L 1980, c 303, pt of §8(1)]

Note

Section 352-28 referred to in text is repealed.