

JAN 21 2022

A BILL FOR AN ACT

RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.

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

1 SECTION 1. 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; provided that this
10 paragraph shall not apply to persons subject to county
11 or state detainers or holds, persons detained without
12 bail, persons detained for probation violation,
13 persons facing revocation of bail or supervised
14 release, and persons who have had a pretrial risk
15 assessment completed prior to admission to a community
16 correctional center. For purposes of this paragraph,
17 "pretrial risk assessment" means an objective,



1 research-based, validated assessment tool that
2 measures an offender's risk of flight, risk of
3 criminal conduct, and risk of violence or harm to any
4 person or the general public while on pretrial release
5 pending adjudication. The pretrial risk assessment
6 tool and procedures associated with its administration
7 shall be periodically reviewed and subject to further
8 validation at least every five years to evaluate the
9 effectiveness of the tool and the procedures
10 associated with its administration. The findings of
11 periodic reviews shall be publicly reported;

12 (4) Conduct internal pretrial female risk and need
13 assessments on adult female offenders within three
14 working days of admission to a community correctional
15 center; provided that this paragraph shall not apply
16 to persons subject to county or state detainers or
17 holds, persons detained without bail, persons detained
18 for probation violation, persons facing revocation of
19 bail or supervised release, and persons who have had a
20 pretrial female risk and need assessment completed
21 prior to admission to a community correctional center.



1 The pretrial female risk and needs assessment tool
2 shall consider factors important to evaluate women's
3 risk to reoffend and women's specialized treatment
4 needs, including but not limited to rates of physical
5 and sexual abuse prior to becoming an offender. The
6 pretrial female risk and needs assessment tool and
7 procedures associated with its administration shall be
8 periodically reviewed and subject to further
9 validation at least every five years to evaluate the
10 effectiveness of the tool and the procedures
11 associated with its administration. The findings of
12 periodic reviews shall be publicly reported. For
13 purposes of this paragraph, "pretrial female risk and
14 needs assessment" means an objective, research-based,
15 validated assessment tool that measures a female
16 offender's risk of flight, risk of criminal conduct,
17 and risk of violence or harm to any person or the
18 general public while on pretrial release pending
19 adjudication;
20 [~~(4)~~] (5) Provide correctional prescription program
21 planning and security classification;



1 ~~[(5)]~~ (6) Provide other personal and correctional services
2 as needed for both detained and committed persons;

3 ~~[(6)]~~ (7) Monitor and record the progress of persons
4 assigned to correctional facilities who undergo
5 further treatment or who participate in prescribed
6 correctional programs;

7 ~~[(7)]~~ (8) Provide continuing supervision and control of
8 persons ordered to be placed on pretrial supervision
9 by the court and persons ordered by the director;

10 ~~[(8)]~~ (9) Make inquiry with the offender concerning the
11 offender's financial circumstances and include this
12 information in the bail report; provided that the
13 department of public safety's pretrial services
14 officers shall be provided limited access for the
15 purpose of viewing other state agencies' relevant data
16 related to an offender's employment wages and taxes;

17 ~~[(9)]~~ (10) Provide pretrial bail reports to the courts on
18 adult offenders, within three working days of
19 admission of the offender to a community correctional
20 center, that are ordered by the court or consented to
21 by the offender. A complete copy of the executed



1 pretrial risk assessment delineating the scored items,
2 the total score, any administrative scoring overrides
3 applied, and written explanations for administrative
4 scoring overrides, shall be included in the pretrial
5 bail report. The pretrial bail reports shall be
6 confidential and shall not be deemed to be public
7 records. A copy of a pretrial bail report shall be
8 provided only:

- 9 (A) To the defendant or defendant's counsel;
- 10 (B) To the prosecuting attorney;
- 11 (C) To the department of public safety;
- 12 (D) To any psychiatrist, psychologist, or other
13 treatment practitioner who is treating the
14 defendant pursuant to a court order;
- 15 (E) Upon request, to the adult client services
16 branch; and
- 17 (F) In accordance with applicable laws, persons, or
18 entities doing research. The research entity
19 must be approved and contracted by the department
20 of public safety to protect the confidentiality



1 of the information, insofar as the information is
2 not a public record."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: Clarena K. Mishkar



S.B. NO. 2771

Report Title:

Department of Public Safety; Female Risk and Needs Assessment Tool; Correctional Facilities; Women's Correctional Centers; Female Inmates

Description:

Requires the Department of Public Safety to develop and conduct a pretrial female risk and needs assessment tool to measure the female offender's risk to flight, reoffend, or harm the community, and shall consider factors important to women when considering their risk to reoffend and treatment needs.

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