
A BILL FOR AN ACT

RELATING TO INCARCERATION.

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

1 SECTION 1. The legislature finds that Act 117, Session
2 Laws of Hawaii 2022 (Act 117), appropriated funds to various
3 state agencies for the development and maintenance of diversion,
4 reentry, and rehabilitation services and programs within the
5 State. More specifically, Act 117 appropriated funds to: the
6 department of public safety for the purchase of identification
7 card machines to provide documentation needed by inmates upon
8 their release; the Hawaii paroling authority for the development
9 and maintenance of community housing to support the reentry of
10 parolees; and the department of health for a forensic peer
11 specialist program to address needs of inmates having behavioral
12 health, mental health, and substance abuse issues.

13 Although the enactment of Act 117 provided much-needed
14 financial support for important programs and activities, the
15 legislature also finds that funding for these programs and
16 activities should continue. The legislature further finds that
17 funding should be provided for a more comprehensive array of



1 programs and services. The legislature believes that programs
2 offering diversion, pre-release reentry support, and post-
3 release reentry support, including family support and
4 assistance, will lead to more successful rehabilitation outcomes
5 and an overall reduction in recidivism rates.

6 Accordingly, the purpose of this Act is to appropriate
7 funds for the development and maintenance of a comprehensive
8 approach to successful incarcerated individual reentry and
9 integration that will provide support to inmates during their
10 incarceration and after their release.

11 SECTION 2. (a) To address the devastating impacts on the
12 criminal justice system of the separation of mothers from their
13 children, and to reduce the risk of multi-generational
14 incarceration, there is established a pilot program to allow
15 minor children to remain with their mothers while the mothers
16 are participating in therapeutic, drug treatment, or other
17 residential programs.

18 (b) The pilot program shall be administered by the
19 judiciary. The judiciary may provide this supportive service as
20 an incentive for mothers to complete therapeutic programs for



1 their successful rehabilitation and, accordingly, is
2 appropriated funds under section 6 of this Act.

3 SECTION 3. (a) To provide a comprehensive recidivism
4 prevention program, there is established within the judiciary a
5 five-year recidivism prevention pilot program. The program
6 shall consist of three components to assist the reentry of
7 program participants for two years following their release from
8 a correctional facility: the housing voucher program; child
9 care voucher program; and employer income tax credit program.

10 (b) A program participant shall be an individual:

11 (1) Who is a resident of Hawaii;

12 (2) Who exited from the women's community correctional
13 center;

14 (3) Whose household income does not exceed eighty per cent
15 of the area median income; and

16 (4) Who is employed and either:

17 (A) Works for twenty or more hours in a workweek; or

18 (B) Spends twenty or more hours per workweek working
19 or participating in programs relating to
20 education, substance abuse, or parenting.



1 (c) Housing voucher program. The housing voucher program
2 shall provide program participants with housing vouchers on a
3 first-come, first-served basis; provided that the program
4 participant continues to satisfy the eligibility criteria in
5 subsection (b); provided further that the aggregate amount of
6 financial assistance provided under the pilot program has not
7 reached the maximum amount established in subsection (f). Each
8 housing voucher shall not exceed \$ and shall be used
9 for:

- 10 (1) Rent for the program participant's primary residence;
- 11 or
- 12 (2) A down payment or mortgage payments for the program
13 participant's primary residence; provided that the
14 program participant shall not own, operate, or control
15 any other residential real property.

16 (d) Child care voucher program. The child care voucher
17 program shall provide program participants with child care
18 vouchers on a first-come, first-served basis; provided that the
19 program participant:

- 20 (1) Continues to satisfy the eligibility criteria in
21 subsection (b);



1 (2) Has physical custody of a child; and

2 (3) Does not receive any child care subsidies;

3 provided further that the aggregate amount of financial
4 assistance provided under the pilot program has not reached the
5 maximum amount set forth in subsection (f). Each child care
6 voucher shall not exceed \$ per child and shall be used
7 for payment of fees to a child care facility for providing
8 services to the program participant's child.

9 (e) Employer income tax credit program. There shall be
10 allowed to each taxpayer subject to the tax imposed by chapter
11 235, Hawaii Revised Statutes, a credit for employment of a
12 qualified program participant-employee, which shall be
13 deductible from the employer's net income tax liability, if any,
14 imposed by chapter 235, Hawaii Revised Statutes, for the taxable
15 year in which the credit is properly claimed; provided that:

16 (1) The program shall require from an employer who employs
17 a qualified program participant-employee, an
18 application for verification of employment of a
19 qualified program participant-employee, in a form
20 prescribed by the program;



1 (2) Upon verifying that the individual named in the
2 application as a qualified program
3 participant-employee satisfies the criteria set forth
4 in paragraph (7), the program shall:

5 (A) Issue a written verification of employment of a
6 qualified program participant-employee to the
7 employer-applicant; and

8 (B) Provide the department of taxation and department
9 of labor and industrial relations with
10 information on the employer and the qualified
11 program participant-employee, and any other
12 information deemed necessary by the department of
13 taxation and department of labor and industrial
14 relations to verify and apply the tax credit to
15 the employer pursuant to this subsection;

16 (3) The tax credit allowed under this subsection shall be
17 available to the employer for a period not to exceed
18 two years after the date of the qualified program
19 participant-employee's release from incarceration;

20 (4) The amount of the tax credit under this subsection for
21 the taxable year shall be equal to the amount of



1 contributions paid by the employer pursuant to section
2 383-61, Hawaii Revised Statutes, for the qualified
3 program participant-employee. The department of labor
4 and industrial relations shall provide the department
5 of taxation with information deemed necessary by the
6 department of taxation pertaining to the amount of
7 contributions paid by the employer pursuant to section
8 383-61, Hawaii Revised Statutes, for the qualified
9 program participant-employee;

10 (5) The tax credit allowed under this subsection shall be
11 claimed against the employer's net income tax
12 liability for the taxable year. A tax credit under
13 this subsection that exceeds the employer's income tax
14 liability may be used as a credit against the
15 employer's income tax liability in subsequent years
16 until exhausted;

17 (6) All claims for tax credits under this subsection,
18 including any amended claims, shall be filed on or
19 before the end of the twelfth month following the
20 close of the taxable year for which the credits may be
21 claimed. Failure to comply with the foregoing



1 provision shall constitute a waiver of the right to
2 claim the credit; and

3 (7) For the purposes of this subsection, "qualified
4 program participant-employee" means an individual who:

5 (A) Is a Hawaii resident;

6 (B) Is eighteen years of age or older;

7 (C) Was released from incarceration during the
8 two-year period preceding the employer's filing
9 of an application for verification of employment
10 of the individual; and

11 (D) Works for the employer for twenty or more hours
12 in a workweek.

13 (f) The aggregate monetary amount of vouchers provided by
14 the State under subsections (c) and (d) to a program participant
15 shall not exceed \$30,000 for each fiscal year.

16 (g) The judiciary shall adopt rules pursuant to chapter
17 91, Hawaii Revised Statutes, and prescribe forms to be used by
18 program participants, to carry out the purposes of this section;
19 provided that rules and forms to carry out subsection (e) shall
20 be adopted and prescribed by the department of taxation, in



1 consultation with the judiciary, except as provided under
2 subsection (e)(1).

3 (h) The judiciary shall submit a report of its findings
4 and recommendations pertaining to the pilot program to the
5 legislature no later than twenty days prior to the convening of
6 the regular session of 2028. The report shall include:

7 (1) A record of pilot program activities and
8 accomplishments;

9 (2) A recommendation on whether the pilot program should
10 be continued, modified, or terminated, including
11 whether the assistance under the pilot program should
12 be extended to other correctional facilities; and

13 (3) Any proposed legislation.

14 (i) As used in this section:

15 "Child" means an unmarried individual who is under eighteen
16 years of age. "Child" includes a biological, adopted, or foster
17 child; a stepchild; and a legal ward.

18 "Child care facility" has the same meaning as in section
19 346-151, Hawaii Revised Statutes.

20 "Child care subsidy" has the same meaning as in section
21 346-151, Hawaii Revised Statutes.



1 "Pilot program" means the five-year recidivism prevention
2 pilot program established pursuant to this section.

3 SECTION 4. (a) There is established within the department
4 of public safety or its successor agency an offender reset
5 program to oversee development and implementation of
6 comprehensive pre- and post-release programs to assist offenders
7 who are transitioning back into the community.

8 (b) The offender reset program shall assist offenders in
9 securing pre-release assistance in obtaining:

- 10 (1) Identification cards;
- 11 (2) Training and other assistance for post-release
12 housing, including transitional housing and permanent
13 housing;
- 14 (3) Medical and other services, as needed;
- 15 (4) Rehabilitation services; and
- 16 (5) Prospective employment.

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2023-2024 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2024-2025 for the development and maintenance of the



1 offender reset program established by section 4 of this Act, to
2 support the reentry of, and rehabilitation services and programs
3 for, offenders while they are in the custody and control of the
4 department of public safety or its successor agency.

5 The sums appropriated shall be expended by the department
6 of public safety or its successor agency for the purposes of
7 section 4 of this Act.

8 SECTION 6. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2023-2024 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2024-2025 for the development and maintenance of diversion,
13 reentry, and rehabilitation services and programs under the
14 jurisdiction of the judiciary; provided that \$ shall
15 be available for diversion and other court services; provided
16 further that \$ or so much thereof as may be necessary
17 shall be available for family support for mothers to remain with
18 their minor children when in residential treatment programs;
19 provided further that \$ or so much thereof as may be
20 necessary shall be expended for a five-year pilot recidivism
21 prevention program that shall include full-time equivalent



1 (FTE) transition navigator positions exempt from chapter 76,
2 Hawaii Revised Statutes, and shall include child care and
3 housing vouchers; and provided further that housing vouchers
4 exempt from chapter 91, Hawaii Revised Statutes, shall be
5 obtained from the Hawaii public housing authority.

6 The sums appropriated shall be expended by the judiciary
7 for the purposes of this section and sections 2 and 3 of this
8 Act.

9 SECTION 7. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 for the further development and maintenance of
14 community housing of parolees under the jurisdiction of the
15 Hawaii paroling authority to support parolee reentry and
16 rehabilitation.

17 The sums appropriated shall be expended by the Hawaii
18 paroling authority for the purposes of this section.

19 SECTION 8. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2023-2024 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2024-2025 for pre- and post- reentry coordination to assist
3 inmates in successfully meeting their housing and other post-
4 release needs.

5 The sums appropriated shall be expended by the department
6 of human services for the purposes of this section.

7 SECTION 9. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2023-2024 and
10 the same sum or so much thereof as may be necessary for fiscal
11 year 2024-2025 for the provision of health assessments and
12 services, including but not limited to physical, mental,
13 behavioral, substance addiction, and other services and programs
14 required by inmates, both pre- and post- release, necessary for
15 successful rehabilitation and reentry; provided that
16 \$ or so much thereof as may be necessary shall be
17 allocated to the forensic peer specialist program established by
18 Act 117, Session Laws of Hawaii 2022, to assess and treat
19 incarcerated individuals having behavioral, mental, and
20 substance abuse issues; and provided further that
21 \$ shall be available for health-related supportive



1 services for mothers and their children when the mothers are
2 participating in residential treatment programs.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this section.

5 SECTION 10. The department of public safety or its
6 successor agency, judiciary, Hawaii paroling authority,
7 department of human services, and department of health shall
8 each submit to the legislature, no later than twenty days prior
9 to the convening of the regular session of 2025, a report of its
10 respective findings and recommendations. Each report shall
11 include the following information:

- 12 (1) The manner in which funds received pursuant to this
13 Act have been expended;
- 14 (2) The particular service providers involved;
- 15 (3) The number of persons who have been served;
- 16 (4) A description of the services provided;
- 17 (5) Measurable outcomes; and
- 18 (6) Any proposed legislation.

19 SECTION 11. The appropriations made pursuant to sections
20 5, 6, 7, 8, and 9 of this Act shall not lapse at the end of the
21 fiscal year for which the appropriations are made; provided that



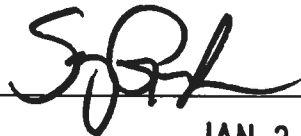
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1 all moneys from the appropriations unencumbered as of June 30,
2 2025, shall lapse as of that date; provided further that the
3 hiring of staff or technical assistance may be exempt, if
4 needed, from chapter 76, Hawaii Revised Statutes; provided
5 further that procurements executed pursuant to this Act shall be
6 exempt from the requirements of chapters 103D and 103F, Hawaii
7 Revised Statutes, but any exemptions shall not extend beyond
8 June 30, 2025; and provided further that the tax credit under
9 section 3(e) of this Act shall apply to taxable years beginning
10 after December 31, 2023, and ending before January 1, 2026.

11 SECTION 12. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:



JAN 24 2023



H.B. NO. 1176

Report Title:

Diversion, Reentry, and Rehabilitation; Services and Programs; Recidivism Prevention Pilot Program; Offender Reset Program; PSD; Judiciary; Hawaii Paroling Authority; DHS; DOH; Report; Appropriation

Description:

Appropriates funds for the development and maintenance of a comprehensive approach to successful prisoner reentry and integration that provides supports to inmates while incarcerated and after their release. Establishes a pilot program within the Judiciary to allow minor children to remain with their mothers while the mothers are participating in therapeutic, drug treatment, or other residential programs. Establishes within the Judiciary a 5-year recidivism prevention pilot program consisting of the housing voucher program; child care voucher program; and employer income tax credit program. Establishes within the Department of Public Safety an offender reset program to oversee development and implementation of comprehensive pre- and post-release programs to assist offenders who are transitioning back into the community. Requires reports to the Legislature. Appropriates funds to the Department of Public Safety, Judiciary, Hawaii Paroling Authority, Department of Human Services, and Department of Health.

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

