

A Bill for an Act Relating to the Hawaii Youth Correctional Facility.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to conform Chapter 352 pertaining to the Hawaii youth correctional facility with the change in the family court Act, Chapter 571, Hawaii Revised Statutes, to extend the jurisdiction of the family court over persons up to their nineteenth birthday so that persons may still be committed to the facility for a period up to their nineteenth birthday.

SECTION 2. Section 352-8, Hawaii Revised Statutes, is amended to read:

“Sec. 352-8 Object. The only object of the Hawaii youth correctional facility shall be the detention, management, education, employment, reformation, and maintenance of such children and adults as are committed thereto.”

SECTION 3. Section 352-9, Hawaii Revised Statutes, is amended to read:

“Sec. 352-9 Guardianship and custody of the person of inmates. Notwithstanding any law to the contrary, the director of social services and housing shall be the guardian of the person of every child committed to or received at the Hawaii youth correctional facility or have custody of any adult committed thereto or received at the Hawaii youth correctional facility while still a child for a term extending beyond age eighteen by order of the family court for the period the child or adult remains under his jurisdiction. He shall have all the powers and duties of a natural guardian of the person of the child; provided, that he shall not be liable in damages for the tortious acts committed by the child.”

SECTION 4. Section 352-10, Hawaii Revised Statutes, is amended to read:

“Sec. 352-10 Period committed. All persons committed to the Hawaii youth correctional facility shall be committed for the period of their minority provided however that commitment may be extended for a period not to extend beyond age nineteen, by order of the family court, or unless sooner paroled by the director of social services and housing.”

SECTION 5. Section 352-14, Hawaii Revised Statutes, is amended to read:

“Sec. 352-14 Parole to parents. Whenever the parents of any person who has been committed to the Hawaii youth correctional facility and who has then served not less than one year in the facility make application in writing to the director of social services and housing it shall be lawful for the director, in his discretion, to parole the person to its parents, such parole to be granted and continued in force only when it is apparent to the director that such action is for the best interests of the person and the community at large.”

SECTION 6. Section 352-15, Hawaii Revised Statutes, is amended to read:

“Sec. 352-15 Home placements. The director of social services and housing, or his agents, if authorized by the director, may place any person, who is committed to the director under this chapter, in a suitable home for the purpose of securing to the person the benefits of schooling and a normal home life. Any action taken under this section shall be in the nature of a parole, and shall be revocable at any time at the discretion of the director. Funds appropriated under the item “home placements” and any other funds obtained for home placements may be used by the director to effectuate the purpose of this section.”

SECTION 7. Section 352-26, Hawaii Revised Statutes, is amended to read:

“Sec. 352-26 Discharge, by whom. The director of social services and housing may, for good reasons shown to his satisfaction, discharge or temporarily release any child or adult committed to the Hawaii youth correctional facility, upon such terms and conditions as are approved by the director.”

SECTION 8. Section 352-27, Hawaii Revised Statutes, is amended to read:

“Sec. 352-27 Transfer to jail. Whenever it is found that the continued detention or custody of any inmate of the Hawaii youth correctional facility at the facility is subversive of the order and discipline of the facility or injurious in any way to the other inmates of the facility, it shall be lawful for the judge of the family court, on representation to that effect being made by the director of social services and housing, or his authorized agents, to hear and determine any such case, and if proved to his satisfaction, the judge may, in the place of further detention or custody at the facility, order that such person, if he is of the age of fourteen years or more, be imprisoned at some public jail for any term not exceeding the unexpired residue of the time for which the inmate has been last committed to the facility.”

SECTION 9. Section 352-28, Hawaii Revised Statutes, is amended to read:

“Sec. 352-28 Transfer back or discharge. If at any time after the commitment or transfer, as in section 352-27 authorized, of any inmate of the Hawaii youth correctional facility to an adult correctional facility, it is found that such person by his conduct gives reasonable proof of reformation, or for other good reason that is made to appear, it shall be lawful for the judge of the family court, after receiving satisfactory evidence thereof, to order the discharge of the

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person from the adult correctional facility or to return him to the Hawaii youth correctional facility whenever requested so to do by the director or his authorized agents.”

SECTION 10. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the bracketed material, the brackets, or the underscoring.*

SECTION 12. This Act shall take effect upon its approval.

(Approved May 5, 1976.)

*Edited accordingly.