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# A BILL FOR AN ACT

RELATING TO OFFENDER REENTRY.

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

1           SECTION 1. The legislature finds that Act 8, First Special  
2 Session Laws of Hawaii 2007 (Act 8), established a comprehensive  
3 offender reentry system under the purview of the department of  
4 public safety that assists adult offenders with their  
5 reintegration back into our communities and offers a full  
6 continuum of services that are accessible during and immediately  
7 after their incarceration.

8           The intent of the legislature is that the provisions of  
9 Act 8 are mandatory, rather than "directory."

10           The purpose of this Act is to further clarify the  
11 provisions of chapter 353H, Hawaii Revised Statutes, relating to  
12 the offender reentry system.

13           SECTION 2. Section 353H-3, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "~~+~~§353H-3~~+~~ **Offender reentry system plan; creation.**

16 (a) The department of public safety shall develop a



1 comprehensive and effective offender reentry system plan for  
2 adult offenders exiting the prison system.

3 (b) The department of public safety, in conjunction with  
4 appropriate state agencies and private entities, shall develop  
5 comprehensive reentry plans and curricula for individuals  
6 exiting correctional facilities in order to reduce recidivism  
7 and increase a person's successful reentry into the community.  
8 The reentry plans shall include, but not be limited to:

9 (1) Adopting an operational philosophy that considers that  
10 offender reentry begins on the day an offender enters  
11 the correctional system. Each offender entering the  
12 system shall be assessed to determine the offender's  
13 needs in order to assist the individual offender with  
14 developing the skills necessary to be successful in  
15 the community;

16 (2) Providing appropriate programs, including, but not  
17 limited to, education, substance abuse treatment,  
18 cognitive skills development, vocational and  
19 employment training, and other programs that help to  
20 meet the assessed needs of each individual;



- 1 (3) Developing a comprehensive network of transitional  
2 programs to address the needs of individuals exiting  
3 the correctional system;
- 4 (4) Ensuring that all reentry programs are gender-  
5 responsive;
- 6 (5) Issuing requests for proposals from community-based  
7 nonprofit programs with experience with offenders in  
8 the area of reentry; and
- 9 (6) Instituting model reentry programs for adult  
10 offenders."

11 SECTION 3. Section 353H-4, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[+]§353H-4[+] **Model programs; department of public**  
14 **safety.** Subject to funding by the legislature, the department  
15 of public safety, Hawaii paroling authority, department of  
16 health, department of human services, and the judiciary, shall  
17 enhance the State's comprehensive offender reentry system by  
18 developing model programs designed to reduce recidivism and  
19 promote successful reentry into the community. Components of  
20 the model programs shall include but are not limited to:

- 21 (1) Highly skilled staff who are experienced in working  
22 with offender reentry programs;



- 1 (2) Individualized case management and a full continuum of  
2 care to ensure successful reentry;
- 3 (3) Life skills development workshops, including  
4 budgeting, money management, nutrition, and exercise;  
5 development of self-determination through education;  
6 employment training; special education for the  
7 learning disabled; social, cognitive, communication,  
8 and life skills training; and appropriate treatment  
9 programs, including substance abuse and mental health  
10 treatment;
- 11 (4) Parenting and relationship building classes. The  
12 department shall institute policies that support  
13 family cohesion and family participation in offenders'  
14 transition to the community, and, where possible,  
15 provide geographical proximity of offenders to their  
16 children and families; and
- 17 (5) Ongoing attention to building support for offenders  
18 from communities, community agencies, and  
19 organizations."

20 SECTION 4. Section 353H-5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "~~{}~~§353H-5~~{}~~ Children of incarcerated parents; families.

2   The director of public safety shall:

3           (1)   Establish policies or rules that parent inmates be  
4               placed in correctional facilities, consistent with  
5               public safety and inmate security, in the best  
6               interest of the family, rather than on economic or  
7               administrative factors;

8           (2)   Consider as a factor, where appropriate, an offender's  
9               capacity to maintain parent-child contact when making  
10              prison placements of offenders;

11          (3)   ~~[Conduct, coordinate, or promote]~~ Lend technical  
12              assistance and facilitate data requests to assist the  
13              department of human services in coordinating and  
14              promoting research that examines the impact of a  
15              parent's incarceration on the well-being of the  
16              offender's child that shall include both direct  
17              contact with an offender's child, as well as reports  
18              of caregivers; and

19          (4)   ~~[Conduct, coordinate, or promote]~~ Lend technical  
20              assistance and facilitate data requests to assist the  
21              department of human services in coordinating and  
22              promoting research that focuses on the relationship of



1           incarcerated [~~fathers~~] parents with their children and  
2           the long-term impact of incarceration on [~~fathers~~]  
3           parents and their children."

4           SECTION 5. Section 353H-6, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) The director of labor and industrial relations, the  
7 department of public safety, and the Hawaii paroling authority  
8 shall [~~take the necessary steps~~] work together to ensure  
9 offenders and ex-offenders are included and involved in  
10 utilizing state and private resources for employment and  
11 training opportunities as well as life skills and educational  
12 opportunities."

13           SECTION 6. Section 353H-7, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "~~[+]~~§353H-7~~[+]~~ **Return of out-of-state inmates.** (a) The  
16 director of public safety shall return Hawaii inmates held in  
17 out-of-state prisons at least one year prior to the inmate's  
18 parole or release date in order for these inmates to participate  
19 in programs preparing them for reentry on the island where they  
20 have the most support; provided that inmates participating in  
21 reentry programs at the mainland facility in which they are  
22 incarcerated consent to the return.



1 (b) The provisions of subsection (a) shall not prevent the  
2 return of other Hawaii inmates held in out-of-state prisons with  
3 less than one year left of their sentence from being returned in  
4 preparation for reentry to the island where they have the most  
5 support.

6 (c) If the department of public safety lacks sufficient  
7 space in correctional facilities in the State to which to return  
8 prisoners from out-of-state, the department shall exchange  
9 prisoners through a quarterly rotation system, with long-term  
10 inmates sent to out-of-state prisons and prisoners with less  
11 than a year to serve brought back from out-of-state prisons to  
12 the State.

13 [~~e~~] (d) The department of public safety shall provide a  
14 report to the legislature at the end of each calendar year on  
15 any inmates not returned pursuant to this section with an  
16 explanation of the reasoning and circumstances for  
17 noncompliance."

18 SECTION 7. Section 353H-31, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§353H-31[+] **Adult offender reentry programs and**  
21 **services.** (a) The director of public safety may authorize  
22 purchase of service contracts, in accordance with chapter 103F,



1 subject to legislative or other appropriate funding, for adult  
2 offender reentry programs and services that establish or improve  
3 the offender reentry system and in which each adult offender in  
4 state correctional custody is provided an individualized reentry  
5 plan.

6 (b) Subject to funding by the legislature or other  
7 appropriate sources, the department of public safety shall  
8 authorize the purchase of service contracts for activities that:

- 9 (1) ~~[Coordinate]~~ With the assistance of the department of  
10 human services, the Hawaii paroling authority, the  
11 department of education, the University of Hawaii and  
12 its community colleges, and other appropriate public  
13 and private entities, coordinate the supervision and  
14 services provided to adult offenders in state custody  
15 with the supervision and services provided to  
16 offenders who have reentered the community;
- 17 (2) Coordinate efforts of various public and private  
18 entities to provide supervision and services to  
19 ex-offenders after reentry into the community,  
20 including the Hawaii paroling authority, department of  
21 human services, and other stakeholders, with the  
22 offenders' family members;





- 1           (3) Provide offenders awaiting reentry into the community  
2           with documents, such as identification papers,  
3           referrals to services, medical prescriptions, job  
4           training certificates, apprenticeship papers,  
5           information on obtaining public assistance, and other  
6           documents useful in achieving a successful transition  
7           from prison;
- 8           (4) Involve county agencies whose programs and initiatives  
9           strengthen offender reentry services for individuals  
10          who have been returned to the county of their  
11          jurisdiction;
- 12          (5) ~~[Allow ex-offenders who have reentered the community  
13          to continue to contact mentors who remain incarcerated  
14          through the use of technology, such as  
15          videconferencing, or encourage mentors in prison to  
16          support the ex-offenders' reentry process;~~
- 17          (6) Provide structured programs, post-release housing, and  
18          transitional housing, including group homes for  
19          recovering substance abusers, through which offenders  
20          are provided supervision and services immediately  
21          following reentry into the community;



- 1        [~~7~~] (6) Assist offenders, with the assistance of the  
2        Hawaii paroling authority, Hawaii public housing  
3        authority, and the department of human services, in  
4        securing permanent housing upon release or following a  
5        stay in transitional housing;
- 6        [~~8~~] (7) Continue, with the assistance of the department  
7        of health and the Hawaii paroling authority, to link  
8        offenders with health resources for health services  
9        that were provided to them when they were in state  
10       custody, including mental health, substance abuse  
11       treatment, aftercare, and treatment services for  
12       contagious diseases; provided that offenders who have  
13       completed their sentence shall be solely responsible  
14       for addressing their continued healthcare needs with  
15       the department of health, department of human  
16       services, or any other appropriate entity;
- 17       [~~9~~] (8) Provide education, job training, English as a  
18       second language programs, work experience programs,  
19       self-respect and life-skills training, and other  
20       skills needed to achieve self-sufficiency for a  
21       successful transition from prison;



1       ~~[(10)]~~ (9) Facilitate collaboration among corrections  
2           administrators, technical schools, community colleges,  
3           and the workforce development and employment service  
4           sectors so that there are efforts to:

5           (A) ~~[Promote]~~ With the assistance of the department  
6                 of labor and industrial relations, department of  
7                 taxation, department of education, and the  
8                 University of Hawaii and its community colleges,  
9                 promote, where appropriate, the employment of  
10            persons released from prison, through efforts  
11            such as educating employers about existing  
12            financial incentives, and facilitate the creation  
13            of job opportunities, including transitional  
14            jobs, for such persons that will also benefit  
15            communities;

16           (B) ~~[Connect]~~ With the assistance of the department  
17                 of labor and industrial relations, Hawaii  
18                 paroling authority, trade unions, and other  
19                 stakeholders, connect offenders to employment,  
20            including supportive employment and employment  
21            services, before their release to the community;  
22            and



- 1 (C) Address barriers to employment, including  
2 obtaining a [~~driver's license,~~] a state  
3 identification card, social security card, or  
4 other standard and acceptable personal  
5 identification documents;
- 6 [~~+11~~] (10) Assess the literacy and educational needs of  
7 offenders in custody and provide appropriate services  
8 to meet those needs, including follow-up assessments  
9 and long-term services;
- 10 [~~+12~~] (11) Address systems under which family members of  
11 offenders are involved with facilitating the  
12 successful reentry of those offenders into the  
13 community, including removing obstacles to the  
14 maintenance of family relationships while the offender  
15 is in custody, strengthening the family's capacity to  
16 establish and maintain a stable living situation  
17 during the reentry process where appropriate, and  
18 involving family members in the planning and  
19 implementation of the reentry process;
- 20 [~~+13~~] (12) Include victims, on a voluntary basis, in the  
21 offender's reentry process;



1     ~~[(14)]~~ (13) Facilitate visitation and maintenance of family  
2                   relationships with respect to offenders in custody by  
3                   addressing obstacles such as travel, telephone costs,  
4                   mail restrictions, and restrictive visitation  
5                   policies;

6     ~~[(15) Identify]~~ (14) Where appropriate, identify and  
7                   address barriers to collaborating with child welfare  
8                   agencies in the provision of services jointly to  
9                   offenders in custody and to the children of those  
10                  offenders;

11    ~~[(16)]~~ (15) Collect information, to the best of the  
12                  department's ability, regarding dependent children of  
13                  incarcerated persons as part of intake procedures,  
14                  including the number of children, age, and location or  
15                  jurisdiction for the exclusive purpose of connecting  
16                  identified children of incarcerated parents with  
17                  appropriate services and compiling statistical  
18                  information;

19    ~~[(17)]~~ (16) Address barriers to the visitation of children  
20                  with an incarcerated parent, and maintenance of the  
21                  parent-child relationship, such as the location of



1 facilities in remote areas, telephone costs, mail  
2 restrictions, and visitation policies;

3 ~~[(18)]~~ (17) Create, develop, or enhance prisoner and family  
4 assessments curricula, policies, procedures, or  
5 programs, including mentoring programs, to help  
6 prisoners with a history or identified risk of  
7 domestic violence, dating violence, sexual assault, or  
8 stalking reconnect with their families and  
9 communities, as appropriate, and become mutually  
10 respectful;

11 ~~[(19)]~~ (18) Develop programs and activities that support  
12 parent-child relationships, such as:

13 (A) Using telephone conferencing to permit  
14 incarcerated parents to participate in parent-  
15 teacher conferences~~[+]~~, where feasible and  
16 practical as determined by the government  
17 agencies involved;

18 (B) Using videoconferencing to allow virtual  
19 visitation when incarcerated persons are more  
20 than one hundred miles from their families;



1 (C) Developing books on tape programs, through which  
2 incarcerated parents read a book into a tape to  
3 be sent to their children;

4 (D) The establishment of family days, which provide  
5 for longer visitation hours or family activities;  
6 or

7 (E) The creation of children's areas in visitation  
8 rooms with parent-child activities;

9 [~~+20~~] ~~Expand~~ (19) Work with the judiciary, department of  
10 human services, and the Hawaii paroling authority, to  
11 expand family-based treatment centers that offer  
12 family-based comprehensive treatment services for  
13 parents and their children as a complete family unit;

14 [~~+21~~] (20) Conduct studies to determine who is returning to  
15 prison and which of those returning prisoners  
16 represent the greatest risk to community safety;

17 [~~+22~~] (21) Develop or adopt procedures to ensure that  
18 dangerous felons are not released from prison  
19 prematurely;

20 [~~+23~~] (22) Develop and implement procedures to assist  
21 relevant authorities in determining when release is



- 1           appropriate and in the use of data to inform the  
2           release decision;
- 3       ~~[(24)]~~ (23) Utilize validated assessment tools to assess the  
4           risk factors of returning offenders to the community  
5           and prioritizing services based on risk;
- 6       ~~[(25)]~~ (24) Facilitate and encourage timely and complete  
7           payment of restitution and fines by ex-offenders to  
8           victims and the community;
- 9       ~~[(26)]~~ (25) Consider establishing the use of reentry courts  
10          to:
- 11          (A) Monitor offenders returning to the community;
- 12          (B) Provide returning offenders with:
- 13               (i) Drug and alcohol testing and treatment; and  
14               (ii) Mental and medical health assessment  
15               services;
- 16          (C) Facilitate restorative justice practices and  
17               convene family or community impact panels, family  
18               impact educational classes, victim impact panels,  
19               or victim impact educational classes;
- 20          (D) Provide and coordinate the delivery of other  
21               community services to offenders, including:
- 22               (i) Housing assistance;





- 1                   (ii) Education;
- 2                   (iii) Employment training;
- 3                   (iv) Children and family support;
- 4                   (v) Conflict resolution skills training;
- 5                   (vi) Family violence intervention programs; and
- 6                   (vii) Other appropriate social services; and
- 7           (E) Establish and implement graduated sanctions and
- 8                   incentives; and
- 9       ~~(27)~~ (26) Provide technology and other tools necessary to
- 10                   advance post-release supervision."

11           SECTION 8. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13           SECTION 9. This Act shall take effect upon its approval.



**Report Title:**

Public Safety; Offender Reentry

**Description:**

Makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program. Makes establishing the program mandatory. (SB2546 SD2)

