
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that the most recent
2 information on the use of drugs, alcohol, and tobacco reveals a
3 disturbing rise in the use of these substances among the native
4 Hawaiian population. Many studies conducted both nationally and
5 statewide show native Hawaiians to be at particularly high risk
6 for substance abuse. Among students in the eighth and tenth
7 grades, native Hawaiian children rank highest among all ethnic
8 groups in the use of these substances. The studies also show
9 that substance abuse starts at an early age and, if not
10 addressed, will:

11 (1) Lead to more serious offenses, which break down family
12 structures spiritually, psychologically, socially, and
13 economically;

14 (2) Create many health hazards and problems; and

15 (3) Lead to other serious problems, such as poverty,
16 homelessness, and a growing dependence on both legal
17 and illegal drugs, which in turn may lead to child



1 abuse, family abuse, sexual abuse, and other serious,
2 life-threatening crimes.

3 The legislature finds that a pu'uhonua, or wellness center,
4 based on Hawaiian cultural practices will help the native
5 Hawaiian community and the community at-large. Unquestionably,
6 many high-risk persons need to be cared for in a much more
7 sensitive intervention program that will address solutions that
8 will alleviate their problems. The greatest potential to stem
9 the tide of this horrific situation lies in the creation of a
10 pu'uhonua comprising a culturally-based substance abuse treatment
11 and intervention program that takes a holistic approach based
12 upon cultural identity and strength to get to the core of
13 substance abuse. The cultural practices of pule, ho'oponopono,
14 aloha 'aina, mahi'ai, la'au lapa'au, and aloha will help create a
15 sensitive setting. These cultural practices have been
16 successful in the past, possessing the optimal potential to heal
17 an individual. A culturally-based pu'uhonua will restore and
18 maintain a better atmosphere and relationship between family,
19 friends, community, and society.

20 The legislature further finds that the site formerly used
21 as the Kulani correctional facility in east Hawaii would be an
22 ideal site for such a wellness center. It is a place of deep



1 spirituality for the Hawaiian people and, pragmatically, it has
2 the infrastructure and historical precedent for use in
3 sustainable living.

4 The legislature also finds that incarcerated individuals
5 who do not pose a threat to public safety should be allowed to
6 work in the community on community projects that accommodate
7 their level of skill. For example, the island of Hawaii has
8 hundreds of acres of invasive plant species such as *Miconia*
9 *calvescens*, a species of tree from South America which,
10 according to the Smithsonian Institution, is the one plant that
11 could destroy the Hawaiian forest. Other areas of the State are
12 infested with *albizia* and *banana poka*, which also choke and kill
13 native plants. The eradication of invasive species such as
14 *miconia* has largely been the work of volunteers. Given the need
15 for invasive species control and other work in local communities
16 and the overcrowding of the State's correctional facilities, the
17 legislature finds that allowing incarcerated persons who do not
18 pose a public safety threat to work in the community would
19 provide valuable services while creating opportunities for those
20 persons to learn new skills and apply them in ways that benefit
21 the State.

22 The purpose of this Act is to:



1 (1) Reduce recidivism, prevent crime, and ensure long-term
2 positive change by developing a plan to create a
3 wellness center that reestablishes highly recognized
4 native Hawaiian cultural practices to restore the
5 overall well-being of persons, families, and the
6 native Hawaiian community; and

7 (2) Create a pilot program to allow incarcerated persons
8 on the Big Island to work in the community on
9 community projects that benefit the local community
10 and the State.

11 SECTION 2. The department of public safety, in cooperation
12 with Ohana Ho'opakele and other restorative justice groups, is
13 directed to prepare a plan for the creation of a pu'uhonua, or
14 wellness center, on lands owned or controlled by the State. The
15 public land development corporation shall assist in determining
16 an appropriate site for the center; provided that the site
17 formerly used as the Kulani correctional facility on the island
18 of Hawaii shall be given preference, unless another site will
19 provide a greater possibility of success.

20 The department of public safety shall submit a report to
21 the legislature on its plan, findings, and recommendations,
22 including the factors used in determining site selection, and



1 any budget requests necessary to achieve the purposes of this
2 Act, no later than twenty days prior to the convening of the
3 regular session of 2013.

4 SECTION 3. (a) There is created within the department of
5 public safety a work release pilot program on the island of
6 Hawaii to allow incarcerated persons on the island of Hawaii to
7 work on community projects on the island that benefit the local
8 community and the State; provided that persons who perform work
9 outside a correctional facility as part of the work release
10 pilot program pose a low risk to public safety, as determined by
11 the director of public safety.

12 (b) The department of land and natural resources shall
13 collaborate with the department of public safety to identify
14 potential community projects on the island of Hawaii that may
15 benefit from inclusion in the pilot program.

16 (c) The department of public safety may provide for the
17 shelter of incarcerated persons outside of a correctional
18 facility while participating in the work release pilot program
19 on the island of Hawaii.

20 (d) The department of public safety may receive public and
21 private grants for the purposes of this section.



1 SECTION 4. This Act shall take effect on July 1, 2050;
2 provided that section 3 of this Act shall be repealed on
3 June 30, 2015.



Report Title:

Public Lands; Kulani Correctional Facility; Public Safety; Work Release Pilot Program

Description:

Requires department of public safety to plan for a model wellness center that employs native Hawaiian cultural practices on state land and to submit a report to the legislature prior to the 2013 legislative session. Creates a work release pilot program on the Big Island to allow certain incarcerated individuals to work on community projects that benefit the local community and the State. Repeals pilot program on 06/30/15. Effective 07/01/50. (SD2)

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