



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2018

GOV. MSG. NO. 1317

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2018, the following bill was signed into law:

SB2791 SD2 HD1 CD1

RELATING TO JUVENILE JUSTICE REFORM
ACT 208 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO JUVENILE JUSTICE REFORM.

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

1 SECTION 1. Chapter 352, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§352- Hawaii youth correctional facilities; Kawaihoa
5 youth and family wellness center; authority. (a) The Hawaii
6 youth correctional facilities may operate and maintain the
7 Kawaihoa youth and family wellness center within the scope of
8 the authority granted by the office of youth services pursuant
9 to section 352D- , using funds appropriated or approved by the
10 legislature for this purpose.

11 (b) Persons committed to the Hawaii youth correctional
12 facilities shall be segregated from youth and young adults
13 admitted to the Kawaihoa youth and family wellness center. For
14 purposes of this section, "young adult" has the same meaning as
15 in section 352D-3."

16 SECTION 2. Chapter 352D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§352D- Kawailoa youth and family wellness center;
2 creation. (a) The office of youth services may create and
3 develop a central youth service center known as the Kawailoa
4 youth and family wellness center at the site of the Hawaii youth
5 correctional facilities. The office of youth services may grant
6 to the Hawaii youth correctional facilities the authority to
7 operate and maintain the Kawailoa youth and family wellness
8 center; provided that opportunities may be given to existing
9 state Hawaii youth correctional facilities civil service
10 employees to participate in the services and programs, as
11 specified in subsection (d), including discussing long-term
12 plans for employment and training opportunities to contribute
13 professionally to the program.

14 (b) A primary objective of the Kawailoa youth and family
15 wellness center shall be to prevent delinquency, as specified in
16 section 352D-7.

17 (c) The other objectives of the Kawailoa youth and family
18 wellness center shall be to:

19 (1) Offer residential programs in delinquency prevention,
20 including youth services, as defined in section
21 352D-3;



- 1 (2) Provide a wider range of informal dispositions,
- 2 particularly alternatives to the juvenile justice
- 3 system; and
- 4 (3) Develop an improved system of intake, assessment, and
- 5 follow-up for youth at risk and young adults at risk.
- 6 (d) The Kawaiiloa youth and family wellness center services
- 7 and programs may include but shall not be limited to mental
- 8 health services and programs, substance abuse treatment
- 9 programs, crisis shelters for homeless youth, crisis shelters
- 10 for victims of human and sex trafficking, vocational training,
- 11 group homes, day treatment programs, aftercare, independent and
- 12 family counseling services, educational services, and other
- 13 services and programs that may be required to meet the needs of
- 14 youth or young adults.
- 15 (e) All youth at risk and all young adults at risk shall
- 16 be eligible for services at the Kawaiiloa youth and family
- 17 wellness center."

18 SECTION 3. Section 352-2.1, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§352-2.1 Purpose.** (a) This chapter creates within the
21 department of human services, and [~~to be placed~~] places within



1 the office of youth services under the supervision of the
2 director and such other subordinates as the director shall
3 designate, the Hawaii youth correctional facilities, to provide
4 for the custody, rehabilitation, and institutional care and
5 services to prepare for reentry into their communities and
6 families, youth committed by the courts of the State.

7 (b) This chapter further creates within the department of
8 human services, and places within the office of youth services
9 under the supervision of the director and such other
10 subordinates as the director shall designate, and under the
11 supervision of the Hawaii youth correctional facilities, the
12 Kawailoa youth and family wellness center, to provide
13 prevention, rehabilitation, and treatment services and programs
14 for youth at risk and young adults at risk, to prevent
15 delinquency and reduce the incidence of recidivism among youth
16 and young adults in the State.

17 ~~[(b)]~~ (c) The policy and purpose of this chapter is to
18 harmonize the sometimes conflicting requirements of public
19 safety, secure placement, and individualized services for law
20 violators in the custody and care of the director. To that end,
21 the director shall provide the opportunity for intelligence and



1 aptitude evaluation, psychological testing and counseling,
2 prevocational and vocational training, and employment counseling
3 to all persons committed to the Hawaii youth correctional
4 facilities[-] and to all youth and young adults admitted to the
5 Kawailoa youth and family wellness center. Counseling services
6 shall be available to the committed or admitted person's family
7 during the term of commitment[-] to the Hawaii youth
8 correctional facilities or admission to the Kawailoa youth and
9 family wellness center. The director shall coordinate services
10 provided to the facilities by other departments and agencies, to
11 realize these policies and purposes.

12 (d) For purposes of this section, "youth at risk", "young
13 adult at risk", and "young adult" have the same meaning as in
14 section 352D-3."

15 SECTION 4. Section 352D-3, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:

18 "Young adult at risk" or "young adult" means any adult
19 between the ages of eighteen and twenty-four who has been
20 arrested, who has had contact with the police, who is
21 experiencing social, emotional, psychological, educational, or



1 physical problems, and who is no longer eligible for child
2 protective services provided by the State due to the adult's
3 age."

4 SECTION 5. Section 352D-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§352D-4 Establishment; purpose. There is established
7 within the department of human services for administrative
8 purposes only the office of youth services. The office of youth
9 services is established to provide services and programs for
10 youth at risk under one umbrella agency in order to facilitate
11 optimum service delivery, to prevent delinquency, and to reduce
12 the incidence of recidivism among juveniles through the
13 provision of prevention, rehabilitation, and treatment services.
14 The office shall also be responsible for program planning and
15 development, intake/assessment, oversight, as well as
16 consultation, technical assistance, and staff training relating
17 to the delivery of services.

18 The office shall provide a continuum of services as
19 follows:

- 20 (1) An integrated intake/assessment and case management
21 system;



1 (2) The necessary educational, vocational, social
2 counseling and mental health services; provided that
3 the department of education shall be the only provider
4 of standards-based education services for all youth
5 adults at risk and young adults identified with
6 special education needs or actively receiving special
7 education services, in accordance with the Individuals
8 with Disabilities Education Act (20 U.S.C. section
9 1400 et seq.) and all applicable federal and state
10 educational requirements;

11 (3) Community-based shelter and residential facilities;

12 (4) Oversight of youth services; and

13 (5) Other programs which encourage the development of
14 positive self-images and useful skills in such youth.

15 The executive director of the office of youth services
16 shall submit annual reports to the legislature no later than
17 twenty days prior to the convening of each regular session,
18 reporting the services or programs funded pursuant to this
19 section, the number of youth served by each service or program,
20 and the results of the services or programs funded.



1 To this end, on July 1, 1991, this office shall assume the
2 responsibilities for juvenile corrections functions, which were
3 temporarily placed in the department of corrections pursuant to
4 Act 338 of 1987. These functions shall include, but not be
5 limited to, all responsibilities, under chapter 352, for the
6 Hawaii youth correctional facilities."

7 SECTION 6. Section 352D-7, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "352D-7 Youth services centers; creation. (a) Beginning
10 July 1, 1991, the office of youth services shall create,
11 develop, and operate youth service centers throughout the State,
12 including one or more in each county[-] and including the
13 Kawailoa youth and family wellness center created pursuant to
14 section 352D- . This may be done either directly or by
15 contract with private parties. Delinquency prevention shall be
16 a primary objective of these centers. The population eligible
17 for services at the centers [~~would~~] shall be all youths in need
18 of services[-] and all young adults at risk. All referrals and
19 admissions to a youth services center shall be voluntary.
20 Centers [~~would~~] shall also develop individualized intake
21 capabilities, program plans, delivery of services, and a



1 comprehensive referral network. The objectives of the youth
2 service centers shall be to:

3 (1) Develop and implement programs in delinquency
4 prevention;

5 (2) Provide a wider range of informal dispositions,
6 particularly alternatives to the juvenile justice
7 system;

8 (3) Develop an improved system of intake, assessment, and
9 follow-up for youths [✓] including youth at risk, and
10 for young adults at risk; and

11 (4) Provide better coordination of juvenile justice and
12 nonjuvenile justice services in order to reduce
13 overlaps and gaps in services.

14 (b) Each center shall:

15 (1) Be responsible for coordinating all services, justice
16 system or [~~nonjustice~~] non-justice system, both public
17 and private, to the youth and young adults referred to
18 it; and

19 (2) Be responsive to the needs of its immediate community
20 and offer an array of services that are tailored to
21 the needs of its constituents.



1 (c) Every youth and young adult referred to a youth
 2 services center shall [~~as soon as possible,~~] be appropriately
 3 placed with a service provider and provided services [~~as soon~~
 4 as possible. The center shall develop procedures [~~which~~] that
 5 will [~~insure~~] ensure that appropriate service providers are
 6 available on a twenty-four hour basis for each youth [~~and~~
 7 young adult. The center may contract with [~~such~~] service
 8 providers for [~~such~~] provision of services.

9 (d) Each youth service center shall maintain a registry of
 10 every youth and young adult referred to it and shall monitor and
 11 supervise the follow-up services that are provided to the
 12 youth [~~or~~] young adult. Each center shall be primarily
 13 responsible to [~~insure~~] ensure that [~~the~~] each youth is fully
 14 diverted from the juvenile justice system."

15 SECTION 7. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

APPROVED this 10 day of JUL, 2018



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.


President of the Senate


Clerk of the Senate

SB No. 2791, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives