

EXECUTIVE CHAMBERS

HONOLULU

June 22, 2001

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 119

Honorable Members
Twenty-First Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 119, entitled "A Bill for an Act Relating to Corrections."

The purpose of Senate Bill No. 119 is to require the Department of Public Safety (PSD) and the Office of Youth Services (OYS) to provide female offenders with a range and quality of programming substantially equivalent to the range and quality offered to males. These programs must be based upon the "psychosocial developmental needs of female offenders." This bill also requires PSD to create a model gender-responsive program and to award grants for the program, requires OYS to collaborate with several other agencies to develop a "comprehensive continuum of care to address the gender responsive needs of juvenile female offenders," and requires both PSD and OYS to prepare an implementation plan and a request for funds for the next legislative session.

The bill is objectionable because it is unnecessary, provides no funding to accomplish its purpose, and creates an ambiguous mandate that invites litigation for the purpose of changing funding priorities through the judicial rather than the legislative system. Under the current system, PSD and OYS can provide a range and quality of programming for female adult and juvenile offenders substantially equivalent to male inmates. In fact, PSD initiated meetings with various service providers over a year ago to accomplish this and will be strengthening its efforts to achieve greater parity.

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If there is any obstacle to the establishment of such programs, it is funding. This bill, however, does not appropriate any moneys to establish gender-responsive programs. Furthermore, this bill uses terms that will likely result in litigation. People will differ as to whether a program is "substantially equivalent" or whether a program is based upon the "psychosocial developmental needs of female offenders."

For the foregoing reasons, I am returning Senate Bill No. 119 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii