
A BILL FOR AN ACT

RELATING TO A COMPREHENSIVE OFFENDER REENTRY SYSTEM.

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

1 SECTION 1. The legislature finds that in 2005, there were
2 16,825 persons on probation statewide under the jurisdiction of
3 the State's four judicial districts. Additionally in 2005, the
4 Hawaii paroling authority was responsible for supervising 2,119
5 parolees. As of December 25, 2006, the department of public
6 safety had 5,982 persons in its correctional system. These
7 numbers are significant in the context of a comprehensive effort
8 to reintegrate ex-offenders back into our communities as
9 productive, law-abiding citizens.

10 In recent years, state and local government agencies
11 throughout the country have begun to establish improved systems
12 for reintegrating ex-offenders as a way to prevent large numbers
13 of offenders from returning to prison. A United States
14 Department of Justice study found that sixty-seven per cent of
15 those released from state prisons in 1994 were re-arrested for a
16 new crime within the first three years of their release. Forty-
17 six per cent of the arrestees were reconvicted for a new crime,



1 and fifty-one per cent were returned to prison. Efforts to
2 reduce recidivism would greatly benefit the State of Hawaii,
3 given that the State's prison and jail capacities are sorely
4 inadequate and have been severely overcrowded for the past two
5 decades.

6 The financial, social, and economic costs of incarceration
7 without rehabilitation are staggering. According to the 2004
8 annual report of the department of public safety, the
9 corrections division budget for fiscal year 2003-2004 was
10 \$190,000,000. This figure excludes the nearly \$50,000,000 in
11 contract costs with the Corrections Corporation of America to
12 house Hawaii offenders in four private correctional institutions
13 in the continental United States. Further, this figure does not
14 include the costs of arrest and prosecution, nor does it take
15 into account the cost to victims. There are also financial
16 costs associated with the health care of incarcerated
17 populations, who have a high prevalence of infectious disease,
18 substance abuse, and mental health disorders.

19 One of the most significant social costs of offender
20 reentry is its impact on children. A report commissioned by
21 Child and Family Services in 2003 estimated that there were
22 approximately six thousand children of incarcerated parents in



1 Hawaii. According to the federal Bureau of Prisons, there is
2 evidence to suggest that offenders who retain kinship ties with
3 their children and families are more likely to avoid negative
4 behavior while incarcerated and are more likely to obtain
5 reduced sentences.

6 In terms of economic costs, studies have shown that fifteen
7 to twenty-seven per cent of prisoners expect to enter a homeless
8 shelter upon release from prison. Additionally, as many as
9 sixty per cent of ex-offenders fail to find stable employment in
10 the legal labor market one year after release. A felony record
11 precludes many from gainful employment and may result in
12 persistent discrimination in the labor market. In addition to
13 problems with housing and employment, there are the enormous
14 economic costs of crimes committed to obtain money for illegal
15 drugs.

16 The legislature further finds that sixty to eighty per cent
17 of the nation's correctional population has used illegal drugs
18 at some point in their lives. Furthermore, a United States
19 Department of Justice analysis indicates that only fifty per
20 cent of federal offenders and forty per cent of state offenders
21 have taken part in substance abuse treatment and programs since
22 being admitted to prison. Substance abuse education, treatment,



1 intervention, and follow-up services are clearly needed in a
2 comprehensive offender reentry system.

3 An offender reentry system must also consider the
4 correlation between education and recidivism. According to the
5 National Institute for Literacy, seventy per cent of all
6 offenders function at the two lowest literacy levels. A Bureau
7 of Justice Statistics analysis has found that less-educated
8 offenders are more susceptible to recidivism. Moreover, a
9 recent United States Department of Education study found that
10 participation in a state correctional education program lowers
11 the likelihood of reincarceration by twenty-nine per cent. A
12 federal Bureau of Prisons study found a thirty-three per cent
13 drop in recidivism among federal prisoners who participated in
14 vocational and apprenticeship training.

15 The legislature finds that increased recidivism results in
16 profound collateral consequences, including public health risks,
17 homelessness, unemployment, and disenfranchisement.
18 Accordingly, systems and programs that provide assistance with
19 offenders' transition from institutional to community life are
20 critical to the families, neighborhoods, and communities to
21 which the offender returns.



1 **§ -1 Title.** This chapter shall be known and may be
2 cited as the Community Safety Act.

3 **§ -2 Definitions.** As used in this chapter, unless the
4 context otherwise requires:

5 "Community-based long-term support programs" includes
6 programs administered and operated by community agencies, faith-
7 based organizations, and other entities offering support to
8 offenders for at least one year.

9 "Community-based programs" means programs that are
10 administered and operated outside of a correctional institution.

11 "Institution-based programs" means services offered within
12 a correctional institution.

13 "Reentry programs" includes programs that are located
14 within a correctional institution.

15 "Reintegration programs" includes programs that are located
16 within a correctional institution.

17 "Transition programs" includes programs that are located
18 within a correctional institution.

19 **§ -3 Offender reentry system plan; creation.** (a) The
20 department of public safety shall develop a comprehensive and
21 effective offender reentry system plan for adult offenders
22 exiting the prison system.



1 (b) The department of public safety shall develop
2 comprehensive reentry plans and curricula for individuals
3 exiting correctional facilities to reduce recidivism and
4 increase a person's successful reentry into the community. The
5 reentry plans shall include but not be limited to:

- 6 (1) Adopting an operational philosophy that considers that
7 offender reentry begins on the day an offender enters
8 the correctional system. Each offender entering the
9 system shall be assessed to determine the offender's
10 criminogenic risks and needs to assist the offender
11 with developing the skills necessary to be successful
12 in the community;
- 13 (2) Providing appropriate programs, including but not
14 limited to education, substance abuse treatment,
15 cognitive skills development, vocational and
16 employment training, and other programs that help to
17 meet the assessed risks and needs of each individual;
- 18 (3) Developing a comprehensive network of transitional
19 programs to address the needs of individuals exiting
20 the correctional system;
- 21 (4) Ensuring that all reentry programs are gender-
22 responsive;



- 1 (5) Issuing requests for proposals from nonprofit
- 2 community-based programs with experience with
- 3 offenders in the area of evidence-based reentry; and
- 4 (6) Instituting evidence-based reentry programs for adult
- 5 offenders.

6 **§ -4 Model programs; department of public safety.**

7 Subject to funding by the legislature, the department of public
8 safety shall enhance the State's comprehensive offender reentry
9 system by developing evidence-based programs designed to reduce
10 recidivism and address successful reentry into the community.
11 Components of the model programs shall include but not be
12 limited to the following:

- 13 (1) Highly skilled staff who are experienced in working
- 14 with evidence-based principles of effective offender
- 15 reentry programs;
- 16 (2) Individualized case management and a full continuum of
- 17 care to ensure successful reentry;
- 18 (3) Life-skills development workshops, including
- 19 budgeting, money management, nutrition, and exercise;
- 20 development of self-determination through education;
- 21 employment training; special education for the
- 22 learning-disabled; social, cognitive, communication



1 and life-skills training; and appropriate treatment
2 programs, including substance abuse and mental health
3 treatment;

4 (4) Parenting and relationship-building classes. The
5 department shall institute policies that support
6 family cohesion and family participation in offenders'
7 transition to the community, and, where possible,
8 provide geographical proximity of offenders to their
9 children and families; and

10 (5) Ongoing attention to building support for offenders
11 from communities, community agencies, and
12 organizations.

13 **§ -5 Children of incarcerated parents; families.** (a)

14 The director of human services shall:

15 (1) Establish by policy or rule, services that the
16 director deems necessary for the preservation of
17 families who have been affected by the incarceration
18 of a family member;

19 (2) Establish practices that focus on children whose
20 parents are incarcerated and work to strengthen
21 attachment and bonding between parent and child; and



- 1 (3) Review and make available to other states a report on
2 any recommendations regarding the role of the
3 department's child protective services at the time of
4 the arrest of a person.
- 5 (b) The director of public safety shall:
- 6 (1) Establish policies or rules that parent inmates be
7 placed in correctional facilities on the basis of the
8 "best interests of the family" rather than on the
9 basis of economic or administrative factors;
- 10 (2) Consider as a factor an offender's capacity to
11 maintain parent-child contact when making prison
12 placements of offenders;
- 13 (3) Conduct research that examines the impact of a
14 parent's incarceration on the well-being of the
15 offender's child, which shall include both direct
16 contact with an offender's child as well as reports
17 prepared by caregivers; and
- 18 (4) Conduct research that focuses on the relationship of
19 incarcerated fathers with their children and the long-
20 term impact of incarceration on fathers and their
21 children.



EVIDENCE-BASED REENTRY DEMONSTRATION PROJECTS

§ -9 Adult offender evidence-based reentry demonstration projects. (a) The director of public safety is authorized to contract, pursuant to chapter 103D, for adult offender evidence-based reentry demonstration projects that establish or improve the offender reentry system through which each adult offender in state correctional custody is provided an individualized reentry plan.

(b) Subject to funding by the legislature, the department of public safety shall award adult offender evidence-based reentry demonstration project grants for activities that:

- (1) Coordinate the supervision and services provided to adult offenders in state custody with the supervision and services provided to offenders who have reentered the community;
- (2) Coordinate with the offenders' family members the efforts of various public and private entities to provide supervision and services to ex-offenders after reentry into the community;
- (3) Provide offenders awaiting reentry into the community with documents such as identification papers, referrals to services, medical prescriptions, job



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



1 were in state custody, including mental health,
2 substance abuse treatment, aftercare, and treatment
3 services for contagious diseases;

4 (9) Provide education, job training, English as a second
5 language programs, work-experience programs, self-
6 respect and life-skills training, and other skills
7 needed to achieve self-sufficiency for a successful
8 transition from prison;

9 (10) Facilitate collaboration among corrections
10 administrators, technical schools, community colleges,
11 and the workforce development and employment service
12 sectors so that there are efforts to:

13 (A) Promote, where appropriate, the employment of
14 individuals released from prison and jail,
15 through efforts such as educating employers about
16 existing financial incentives and facilitate the
17 creation of job opportunities, including
18 transitional jobs, for this population that will
19 benefit communities;

20 (B) Connect offenders to employment, including
21 supportive employment and employment services,
22 before their release to the community; and



- 1 (C) Address barriers to employment, including
- 2 obtaining a driver's license;
- 3 (11) Assess the literacy and educational needs of offenders
- 4 in custody, and provide appropriate services to meet
- 5 those needs, including follow-up assessments and long-
- 6 term services;
- 7 (12) Promote systems under which family members of
- 8 offenders are involved by:
- 9 (A) Facilitating the successful reentry of those
- 10 offenders into the community, including removing
- 11 obstacles to the maintenance of family
- 12 relationships while the offender is in custody;
- 13 (B) Strengthening the family's capacity to establish
- 14 and maintain a stable living situation during the
- 15 reentry process, where appropriate; and
- 16 (C) Involving family members in the planning and
- 17 implementation of the reentry process;
- 18 (13) Include victims, on a voluntary basis, in the
- 19 offender's reentry process;
- 20 (14) Facilitate visitation and maintenance of family
- 21 relationships with respect to offenders in custody by
- 22 addressing obstacles such as travel, telephone costs,



- 1 mail restrictions, and restrictive visitation
2 policies;
- 3 (15) Identify and address barriers to collaborating with
4 child welfare agencies in the provision of services
5 jointly to offenders in custody and to the children of
6 such offenders;
- 7 (16) Collect information regarding dependent children of
8 incarcerated persons as part of intake procedures,
9 including the number of children, the age of the
10 children, and the jurisdiction in which the children
11 are located, and connect identified children of
12 incarcerated parents with appropriate services;
- 13 (17) Address barriers to the visitation of children with an
14 incarcerated parent, and maintenance of the parent-
15 child relationship, such as the location of facilities
16 in remote areas, telephone costs, mail restrictions,
17 and visitation policies;
- 18 (18) Create, develop, or enhance prisoner and family
19 assessments curricula, policies, procedures, or
20 programs, including mentoring programs, to help
21 prisoners with a history or identified risk of
22 domestic violence, dating violence, sexual assault, or



- 1 stalking reconnect with their families and
2 communities, as appropriate, and become mutually
3 respectful;
- 4 (19) Develop programs and activities that support parent-
5 child relationships, such as:
- 6 (A) Using telephone conferencing to permit
7 incarcerated parents to participate in parent-
8 teacher conferences;
- 9 (B) Using videoconferencing to allow virtual
10 visitation when persons are incarcerated more
11 than one hundred miles from their families;
- 12 (C) Developing books-on-tape programs, through which
13 incarcerated parents read a book into a tape to
14 be sent to their children;
- 15 (D) The establishment of family days, which provide
16 for longer visitation hours or family activities;
17 or
- 18 (E) The creation of children's areas in visitation
19 rooms with parent-child activities;
- 20 (20) Expand family-based treatment centers that offer
21 family-based comprehensive treatment services for
22 parents and their children as a complete family unit;



- 1 (21) Conduct studies to determine which individuals are
2 returning to prison or jail and which of those
3 returning prisoners represent the greatest risk to
4 community safety;
- 5 (22) Develop or adopt procedures to ensure that dangerous
6 felons are not released from prison prematurely;
- 7 (23) Develop and implement procedures to assist relevant
8 authorities in determining when release is appropriate
9 and in the use of data to inform their release
10 decision;
- 11 (24) Use validated assessment tools to assess the risk
12 factors of returning offenders to the community and
13 prioritizing services based on risk;
- 14 (25) Facilitate and encourage timely and complete payment
15 of restitution and fines by ex-offenders to victims
16 and the community;
- 17 (26) Facilitate restorative justice practices and convene
18 family or community impact panels, family impact
19 educational classes, victim impact panels, or victim
20 impact educational classes; and
- 21 (27) Provide technology and other tools necessary to
22 advance post-release supervision.



1 **§ -10 Reentry task force.** As a condition of receiving
2 financial assistance under this part, each state or county
3 agency receiving funding shall establish a reentry task force,
4 or other relevant convening authority, to examine ways to pool
5 existing resources and funding streams to promote lower
6 recidivism rates for returning prisoners. To minimize the
7 harmful effects of incarceration on families and communities,
8 each task force or convening authority shall collect data and
9 duplicate evidence-based practices in offender reentry programs
10 from other demonstration project grantees provided for in this
11 part, and other agencies and organizations working with the pre-
12 release and newly-released offender population. The interagency
13 council on intermediate sanctions, an existing collaboration of
14 agencies across the criminal justice system, shall be a resource
15 for the county reentry task forces in the areas of research,
16 evidence-based reentry practices, and expertise."

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$1 or so much thereof
19 as may be necessary for fiscal year 2007-2008 and the same sum
20 or so much thereof as may be necessary for fiscal year 2008-2009
21 for the planning, development, implementation, research, and
22 expansion of an effective reentry system that offers a full



1 continuum of services that are accessible during an adult
2 offender's incarceration and immediately after the adult
3 offender's reentry into the community.

4 The sums appropriated shall be expended by the department
5 of public safety for the purposes of this Act.

6 SECTION 4. This Act shall take effect on July 1, 2015.



Report Title:

Corrections; Offender Reentry System

Description:

Establishes comprehensive offender reentry system to assist adult offenders with preparing for release and reintegration back into the community. Appropriates funds. (HB1 HD1)

