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# A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1           SECTION 1. The legislature finds that Hawaii's  
2           correctional system determines an offender's custody level in  
3           order to establish:

- 4           (1) The degree of supervision an offender requires;  
5           (2) Type of facility in which the offender is housed; and  
6           (3) The types of programs in which an offender is able to  
7           participate.

8           According to the department of public safety, offenders are  
9           designated five custody levels: maximum, closed, medium,  
10          minimum, and community custody. The purpose of this Act is to  
11          codify the custody levels used by Hawaii's correctional system.

12          SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
13          amended by adding a new section to be appropriately designated  
14          and to read as follows:

15          "§353-           Custody levels; purpose and establishment.   (a)

16          There is established, for classification purposes by the  
17          department, five inmate custody levels for determining the:

18          (1) Degree of supervision an offender requires;



- 1        (2) Type of facility in which the offender is housed; and
- 2        (3) Types of programs in which an offender is able to
- 3        participate.
- 4        (b) The custody levels to classify offenders shall be:
- 5        (1) Maximum, for offenders who are chronically disruptive,
- 6        violent, or predatory or are a threat to the safe
- 7        operation of a correctional facility;
- 8        (2) Closed, for offenders who have minimum sentences of
- 9        twenty-one years or more, are serious escape risks, or
- 10       have chronic behavioral problems;
- 11       (3) Medium, for offenders who have more than forty-eight
- 12       months to serve until their parole eligibility date
- 13       and whose institutional conduct and adjustment require
- 14       frequent supervision;
- 15       (4) Minimum, for offenders who have less than forty-eight
- 16       months to serve until their parole eligibility date
- 17       and who demonstrate that they can function with
- 18       minimal supervision in a correctional setting or in
- 19       the community under direct supervision; and
- 20       (5) Community, for offenders who have twenty-four months
- 21       or less to serve on their sentences and are eligible
- 22       to participate in community release programs such as



1           work furlough, extended furlough, or residential  
2           transitional living centers.

3           (c) The department shall consider the number of offenders  
4           in each custody level as established in subsection (b) when  
5           allocating program funds, personnel, and other resources."

6           SECTION 3. New statutory material is underscored.

7           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 17 2007



**Report Title:**

Corrections; Classification; Custody Levels

**Description:**

Codifies the department of public safety's classification system of establishing five offender custody levels: maximum, closed, medium, minimum, and community custody. Requires the department to consider custody levels when allocating resources.

