
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Chapter 367D, Hawaii Revised Statutes, is
2 amended by amending the title to read as follows:

3 "[+]Chapter 367D [+]

4 [~~PARITY FOR FEMALE OFFENDERS~~]

5 GENDER RESPONSIVE ENVIRONMENT AND PROGRAMS FOR FEMALE OFFENDERS"

6 SECTION 2. Section 367D-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§367D-1[+] Female prisoners; [~~parity~~] programs. Adult
9 women convicted of crimes and juvenile females adjudicated for
10 offenses that would be crimes if committed by an adult or who are
11 adjudicated delinquents shall be provided a range and quality of
12 programming substantially equivalent to the range and quality of
13 programming offered to male persons who are similarly situated.
14 Programs for female offenders shall be based upon the
15 psychosocial developmental needs of female offenders[+] and are
16 not required to be the same as those programs available to male
17 offenders."

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1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4
5 INTRODUCED BY: Calvin K. Day
6 BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO CORRECTIONS.

PURPOSE: To delete reference to parity with regard to gender responsive programming services in prisons.

MEANS: Amend the title of chapter 367D and section 367D-1, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Public Safety supports extensive programming for both men and women inmates in order to provide an effective rehabilitative environment. The Department supported Act 258, Session Laws of Hawaii (SLH) 2006, promoting gender responsive programs for women. However, the addition of the term "parity" creates a potential and unnecessary legal liability for the State.

Women represent approximately 12 percent of the population of inmates in the Department. There are more facilities for men than women, due to the number of inmates. Programs vary somewhat from one facility to another, and this law as currently written could make the Department vulnerable to suits that claim the word "parity" means exactly the same programs must exist at each and every facility operated by the department, regardless of the composition of the population incarcerated at the facility. Thus, while the Department supports the intent of Act 258, this change of language is a legal and fiscal necessity.

Impact on public: Decrease the likelihood of lawsuits which are costly for taxpayers and burdensome for the state system.

Impact on department and other agencies: Decreases the financial burden and burdens on other state resources that suits against the state engenders and detract from resources to provide viable, relevant programs for the incarcerated population.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 900.

OTHER AFFECTED
AGENCIES: Department of the Attorney General;
Judiciary.

EFFECTIVE DATE: Upon approval.