

---

# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that the most recent  
2 information on the use of drugs, alcohol, and tobacco reveals a  
3 disturbing rise in the use of these substances among the native  
4 Hawaiian population. Many studies conducted both nationally and  
5 statewide show native Hawaiians to be at particularly high risk  
6 for substance abuse. Among students in the eighth and tenth  
7 grades, native Hawaiian children rank highest among all ethnic  
8 groups in the use of these substances. The studies also show  
9 that substance abuse starts at an early age and, if not  
10 addressed, will:

11           (1) Lead to more serious offenses, which break down family  
12 structures spiritually, psychologically, socially, and  
13 economically;

14           (2) Create many health hazards and problems for and with  
15 the individual; and

16           (3) Lead to other serious problems, such as poverty,  
17 homelessness, and a growing dependence on both legal  
18 and illegal drugs which in turn may lead to child



1 abuse, family abuse, sexual abuse, and other serious  
2 life threatening crimes.

3 The legislature finds that a pu'uhonua, or wellness center,  
4 based on Hawaiian cultural practice will help the native  
5 Hawaiian community and the community at-large. Unquestionably,  
6 many high risk persons need to be cared for in a much more  
7 sensitive intervention program that will address solutions that  
8 will alleviate their problems. The greatest potential to stem  
9 the tide of this most horrific situation lies in the creation of  
10 a pu'uhonua comprising a culturally-based substance abuse  
11 treatment and intervention program that takes a holistic  
12 approach based upon cultural identity and strength to get to the  
13 core of substance abuse. The cultural practices of pule,  
14 ho'oponopono, aloha 'aina, mahi'ai, la'au lapa'au, and aloha will  
15 help create a sensitive setting. These cultural practices have  
16 been successful in the past, possessing the optimal potential to  
17 heal an individual. A culturally-based pu'uhonua will restore  
18 and maintain a better atmosphere and relationship between  
19 family, friends, community, and society.

20 The legislature further finds that the site formerly used  
21 as the Kulani correctional facility in east Hawaii would be an  
22 ideal site for such a wellness center. It is a place of deep



1 spirituality for the Hawaiian people and, pragmatically, it has  
2 the infrastructure and historical precedent for use in  
3 sustainable living.

4       The legislature also finds that incarcerated individuals  
5 who do not pose a threat to public safety should be allowed to  
6 work in the community on community projects that accommodate  
7 their level of skill. For example, the island of Hawaii has  
8 hundreds of acres of invasive plant species such as Miconia  
9 calvescens, a species of tree from South America which,  
10 according to the Smithsonian Institution, is the one plant that  
11 could destroy the Hawaiian forest. Other areas of the State are  
12 infested with albizia and banana poka, which also choke and kill  
13 native plants. The eradication of invasive species such as  
14 miconia has largely been the work of volunteers. Given the need  
15 for invasive species control and other work in local communities  
16 and the overcrowding of the State's correctional facilities, the  
17 legislature finds that allowing incarcerated persons who do not  
18 pose a public safety threat to work in the community would  
19 provide valuable services while creating opportunities for those  
20 persons to learn new skills and apply them in ways that benefit  
21 the State.



1 The purpose of this Act is to:

- 2 (1) Reduce recidivism, prevent crime, and ensure long-term  
3 positive change by developing a plan to create a  
4 wellness center that reestablishes highly recognized.  
5 native Hawaiian cultural practices to restore the  
6 overall well-being of persons, families, and the  
7 native Hawaiian community; and
- 8 (2) Create a pilot program to allow incarcerated persons  
9 to work in the community on community projects that  
10 benefit the local community and the State.

11 SECTION 2. The department of public safety, in cooperation  
12 with 'Ohana Ho'opakele and other restorative justice groups, is  
13 directed to prepare a plan for the creation of a pu'uhonua, or  
14 wellness center, on lands owned or controlled by the State. The  
15 public land development corporation shall assist in determining  
16 an appropriate site for the center; provided that the site  
17 formerly used as the Kulani correctional facility on the island  
18 of Hawaii shall be given preference, unless another site will  
19 provide greater possibility of success.

20 The department of public safety shall submit a report to  
21 the legislature on its plan, findings, and recommendations,  
22 including the factors used in determining site selection, and



1 any budget requests necessary to achieve the purposes of this  
2 Act, no later than twenty days prior to the convening of the  
3 regular session of 2013.

4 SECTION 3. (a) There is created within the department of  
5 public safety a work release pilot program to allow incarcerated  
6 persons to work on community projects that benefit the local  
7 community and the State; provided that those persons who perform  
8 work outside a correctional facility as part of the work release  
9 pilot program pose a low risk to public safety, as determined by  
10 the director of public safety.

11 (b) The department of land and natural resources shall  
12 collaborate with the department of public safety to identify  
13 potential community projects that may benefit from inclusion in  
14 the pilot program.

15 (c) The department of public safety may provide for the  
16 shelter of incarcerated persons outside of a correctional  
17 facility while participating in the work release pilot program.

18 (d) The department of public safety may receive public and  
19 private grants for the purposes of this section.

20 SECTION 4. This Act shall take effect on July 1, 2050;  
21 provided that section 3 of this Act shall be repealed on  
22 June 30, 2015.



**Report Title:**

Public Lands; Kulani Correctional Facility; Public Safety; Work Release Pilot Program

**Description:**

Requires PSD to plan for a model wellness center that employs native Hawaiian cultural practices on state land and to submit a report to the legislature prior to the 2013 legislative session. Creates a work release pilot program to allow certain incarcerated individuals to work on community projects that benefit the local community and the State. Effective July 1, 2015. Repeals pilot program on June 30, 2015. (SB3016 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

