

JAN 23 2015

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# A BILL FOR AN ACT

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RELATING TO INCARCERATED PARENTS.

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

1       SECTION 1. The legislature finds that the State has a  
2       significant interest in addressing the unique needs of children  
3       in Hawai'i with incarcerated parents. Act 250, Session Laws of  
4       Hawai'i 2007, acknowledged the growing body of research  
5       demonstrating that children with incarcerated parents often  
6       suffer great trauma due to the multitudinous negative  
7       consequences resulting from their parents' incarceration. Those  
8       consequences may include separation from their parent or  
9       parents, displacement from their home, social stigma, emotional  
10      isolation, and financial strain on their caregivers.

11      As a result, children with incarcerated parents often  
12      suffer from emotional distress, developmental challenges, poor  
13      academic performance, aggressive behavior, and truancy, and may  
14      more frequently become involved with the criminal justice  
15      system. Accordingly, Act 8, First Special Session Laws of  
16      Hawai'i 2007, noted that "[o]ne of the most significant social  
17      costs of incarceration is its impact on children."



1       The legislature further finds that there continues to be a  
2 lack of rudimentary data necessary to address the unique needs  
3 of children in Hawai'i with incarcerated parents. Act 250 noted  
4 the concern that there has historically been "no means of  
5 determining the exact number of incarcerated individuals with  
6 minor children in Hawaii as no procedure is in place for  
7 collecting such data." In both 2006 and 2008, a legislatively  
8 convened task force recommended that the department of public  
9 safety and other state agencies coordinate the systemic  
10 collection of information on incarcerated parents and their  
11 children, for data analysis and service provision purposes.  
12 Notwithstanding these concerns and recommendations, Hawai'i still  
13 has no system in place to identify incarcerated parents and  
14 their children, or to collect information about them and their  
15 needs.

16       Accordingly, the purpose of this Act is to require  
17 department of public safety intake centers to conduct or  
18 coordinate the collection of data on incarcerated parents and  
19 their children in order to identify and address the unique needs  
20 of this population.



1       SECTION 2.   Section 353-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3       "(b)   The centers shall:

4       (1)   Provide orientation, guidance, and technical services;

5       (2)   Provide social-medical-psychiatric-psychological  
6       diagnostic evaluation;

7       (3)   Conduct internal pretrial risk assessments on adult  
8       offenders within three working days of admission to a  
9       community correctional center which shall then be  
10      provided to the court for its consideration; provided  
11      that this paragraph shall not apply to persons subject  
12      to county or state detainers, holds, or persons  
13      detained without bail, persons detained for probation  
14      violation, persons facing revocation of bail or  
15      supervised release, and persons who have had a  
16      pretrial risk assessment completed prior to admission  
17      to a community correctional center. For purposes of  
18      this [†]paragraph[†], "pretrial risk assessment" means  
19      an objective, research-based, validated assessment  
20      tool that measures a defendant's risk of flight and



1 risk of criminal conduct while on pretrial release  
2 pending adjudication;

3 (4) Provide correctional prescription program planning and  
4 security classification;

5 (5) Provide other personal and correctional services as  
6 needed for both detained and committed persons;

7 (6) Monitor and record the progress of persons assigned to  
8 correctional facilities who undergo further treatment  
9 or who participate in prescribed correctional  
10 programs;

11 (7) Provide continuing supervision and control of persons  
12 ordered to be placed on pretrial supervision by the  
13 court and persons ordered by the director; [and]

14 (8) Provide pretrial bail reports to the courts on adult  
15 offenders that are consented to by the defendant or  
16 that are ordered by the court. The pretrial bail  
17 reports shall be confidential and shall not be deemed  
18 to be public records. A copy of a pretrial bail  
19 report shall be provided only:

20 (A) To the defendant or defendant's counsel;

21 (B) To the prosecuting attorney;



1 (C) To the department of public safety;

2 (D) To any psychiatrist, psychologist, or other  
3 treatment practitioner who is treating the  
4 defendant pursuant to a court order;

5 (E) Upon request, to the adult client services  
6 branch; and

7 (F) In accordance with applicable laws, persons, or  
8 entities doing research[-]; and

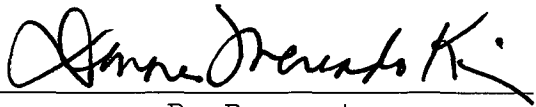
9 (9) Collect or coordinate the collection of data on the  
10 number of incarcerated parents, the number of minor  
11 children with incarcerated parents, and other  
12 information about children with incarcerated parents  
13 that the department deems useful to facilitate the  
14 provision of services to incarcerated parents and  
15 their children."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:   
By Request



# S.B. NO. 433

**Report Title:**

OHA Package; Corrections; Incarcerated Parents; Data Collection

**Description:**

Requires PSD intake service centers to coordinate the collection of data regarding incarcerated parents.

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

