

---

# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

SECTION 1. Section 353F-1, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]§353F-1~~ **Corrections population management commission established.** There is established a corrections population management commission, hereinafter referred to as the commission, to be attached administratively to the ~~[department of public safety.]~~ judiciary. The objective of the commission shall be to establish maximum inmate population limits for each correctional facility ~~[and to]~~, formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility~~[-]~~, and provide general supervisory oversight of the number of inmates in correctional facilities.

The commission shall meet not less than once per quarter."

SECTION 2. Section 353F-3, Hawaii Revised Statutes, is amended to read as follows:



1       " ~~[+]~~§353F-3~~[+]~~ **Recommendations.** (a) The commission shall  
2 recommend to the appropriate authorities, cost-effective  
3 mechanisms, legislation, and policies to prevent the inmate  
4 population from exceeding the limits established pursuant to  
5 section 353F-2. These recommendations shall include estimates  
6 of fiscal impact. In addition, the commission shall consider  
7 and make recommendations on the following to the appropriate  
8 authorities:

- 9       (1) Strategies for the management of projected growth in  
10       the inmate population;
- 11       (2) Bail and other pretrial release programs;
- 12       (3) Legislation relating to sentencing;
- 13       (4) Judicial sentencing policies;
- 14       (5) Intermediate punishments and other alternatives to  
15       incarceration;
- 16       (6) Probation programs;
- 17       (7) Inmate classification systems;
- 18       (8) Reintegration and treatment programs for inmates;
- 19       (9) Paroling policies and supervision programs; and  
20       (10) Future construction of correctional facilities.



1        (b) The department of public safety shall provide each  
2 member of the commission with:

3        (1) Access to all internal reports, documents, and other  
4 information compiled or retained by the department  
5 relevant to the recommendations required by this  
6 section; and

7        (2) The authority to conduct spot checks on any  
8 correctional center or facility, subject to existing  
9 security protocols."

10       SECTION 3. Section 353F-4, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12       "(a) The corrections population management commission  
13 shall consist of thirteen members. The state attorney general,  
14 the ~~[director of public safety,]~~ chief justice, the  
15 administrator of the office of Hawaiian affairs, a  
16 representative of the county departments of the prosecuting  
17 attorney to be selected by the prosecuting attorneys, the state  
18 public defender, the chairperson of the ~~[Hawaii]~~ Hawaii paroling  
19 authority, the president of the senate, and the speaker of the  
20 house of representatives, or their designated representatives,  
21 shall be members of the commission. The chief justice ~~[of the~~



1 ~~Hawai'i supreme court]~~ shall appoint ~~[one judge and]~~ one adult  
2 probation administrator of the judiciary as ~~[members]~~ a member  
3 of the commission. The governor shall appoint ~~[one member from~~  
4 ~~the private sector who is knowledgeable on issues pertaining to~~  
5 ~~reintegrating offenders into the community and one]~~:

6       (1) One member from the public who is knowledgeable on  
7               issues relating to the criminal justice system and has  
8               substantial experience or expertise in traditional  
9               Native Hawaiian practices~~[-]~~;

10       (2) One member from the public who is knowledgeable on  
11               issues relating to substance abuse or mental health;  
12               and

13       (3) One member from a nonprofit service provider that  
14               advocates for incarcerated individuals.

15 Additionally, the chairperson of the ~~[Hawai'i]~~ Hawaii paroling  
16 authority shall appoint one rehabilitated offender, who is  
17 knowledgeable on issues pertaining to reintegrating offenders  
18 into the community, as a member of the commission."

19       SECTION 4. Section 353F-5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       " ~~[+]§353F-5[+]~~ **Annual report.** The commission shall submit  
2 to the legislature, ~~[not fewer]~~ no later than twenty days prior  
3 to the convening of each regular session, an annual report ~~[of~~  
4 ~~its]~~. Each annual report shall include:

5       (1) The activities [and of its recommended] of the  
6       commission, including a summary of the decisions made  
7       by the commission in each of its meetings for the  
8       previous year;

9       (2) Any recommended legislative proposals[-]; and

10       (3) Data and status updates regarding each of the  
11       commission's recommendations under section 353F-3(a)."

12       SECTION 5. Section 353F-6, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       " ~~[+]§353F-6[+]~~ **Executive secretary; staff.** The  
15 ~~[department of public safety]~~ judiciary shall appoint an  
16 executive secretary and additional staff as necessary to carry  
17 out the functions of the commission. All staff shall be  
18 appointed without regard to chapter 76."

19       SECTION 6. The director of finance shall transfer any  
20 funds appropriated to the department of public safety for



1 administration of the corrections population management  
2 commission to the judiciary.

3 SECTION 7. All appropriations, records, equipment,  
4 machines, files, supplies, contracts, books, papers, documents,  
5 maps, and other personal property heretofore made, used,  
6 acquired, or held by the department of public safety relating to  
7 the functions transferred to the judiciary shall be transferred  
8 with the functions to which they relate.

9 SECTION 8. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 9. This Act shall take effect upon its approval.



**Report Title:**

Corrections Population Management Commission; PSD; Judiciary

**Description:**

Transfers the Corrections Population Management Commission from the Department of Public Safety to the Judiciary. Replaces the Director of Public Safety with the Chief Justice as a member of the Commission. Requires the Commission to meet at least once per quarter. Repeals provisions requiring as commission members: an individual who is knowledgeable on issues pertaining to reintegrating offenders into the community; and a judge. Adds as members: a substance abuse or mental health expert; and an advocate for incarcerated individuals. Requires the Department of Public Safety to provide commission members with access to internal information and the authority to conduct spot checks on correctional centers and facilities. Requires the commission's annual report to include a summary of the commission's decisions and data and status updates for commission recommendations. (SD2 PROPOSED)

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

