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# A BILL FOR AN ACT

RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.

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

1           SECTION 1. 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; provided that this  
10           paragraph shall not apply to persons subject to county  
11           or state detainers or holds, persons detained without  
12           bail, persons detained for probation violation,  
13           persons facing revocation of bail or supervised  
14           release, and persons who have had a pretrial risk  
15           assessment completed prior to admission to a community  
16           correctional center. For purposes of this paragraph,  
17           "pretrial risk assessment" means an objective,



1 research-based, validated assessment tool that  
2 measures an offender's risk of flight, risk of  
3 criminal conduct, and risk of violence or harm to any  
4 person or the general public while on pretrial release  
5 pending adjudication. The pretrial risk assessment  
6 tool and procedures associated with its administration  
7 shall be periodically reviewed and subject to further  
8 validation at least every five years to evaluate the  
9 effectiveness of the tool and the procedures  
10 associated with its administration. The findings of  
11 periodic reviews shall be publicly reported;

12 (4) Conduct internal pretrial female risk and needs  
13 assessments on adult female offenders within three  
14 working days of admission to a community correctional  
15 center; provided that this paragraph shall not apply  
16 to persons subject to county or state detainers or  
17 holds, persons detained without bail, persons detained  
18 for probation violation, persons facing revocation of  
19 bail or supervised release, and persons who have had a  
20 pretrial female risk and needs assessment completed  
21 prior to admission to a community correctional center.



1           The pretrial female risk and needs assessment tool  
2           shall consider factors important to evaluate women's  
3           risk of reoffending and women's specialized treatment  
4           needs, including rates of physical and sexual abuse  
5           prior to becoming an offender. The pretrial female  
6           risk and needs assessment tool and procedures  
7           associated with its administration shall be  
8           periodically reviewed and subject to further  
9           validation at least every five years to evaluate the  
10           effectiveness of the tool and the procedures  
11           associated with its administration. The findings of  
12           periodic reviews shall be publicly reported. For  
13           purposes of this paragraph, "pretrial female risk and  
14           needs assessment" means an objective, research-based,  
15           validated assessment tool that measures a female  
16           offender's risk of flight, risk of criminal conduct,  
17           and risk of violence or harm to any person or the  
18           general public while on pretrial release pending  
19           adjudication;  
20           [~~(4)~~] (5) Provide correctional prescription program  
21           planning and security classification;



1       ~~[(+5)]~~ (6) Provide other personal and correctional services  
2           as needed for both detained and committed persons;  
3       ~~[(+6)]~~ (7) Monitor and record the progress of persons  
4           assigned to correctional facilities who undergo  
5           further treatment or who participate in prescribed  
6           correctional programs;  
7       ~~[(+7)]~~ (8) Provide continuing supervision and control of  
8           persons ordered to be placed on pretrial supervision  
9           by the court and persons ordered by the director;  
10       ~~[(+8)]~~ (9) Make inquiry with the offender concerning the  
11           offender's financial circumstances and include this  
12           information in the bail report; provided that the  
13           department of public safety's pretrial services  
14           officers shall be provided limited access for the  
15           purpose of viewing other state agencies' relevant data  
16           related to an offender's employment wages and taxes;  
17       ~~[(+9)]~~ (10) Provide pretrial bail reports to the courts on  
18           adult offenders, within three working days of  
19           admission of the offender to a community correctional  
20           center, that are ordered by the court or consented to  
21           by the offender. A complete copy of the executed



1 pretrial risk assessment delineating the scored items,  
2 the total score, any administrative scoring overrides  
3 applied, and written explanations for administrative  
4 scoring overrides, shall be included in the pretrial  
5 bail report. The pretrial bail reports shall be  
6 confidential and shall not be deemed to be public  
7 records. A copy of a pretrial bail report shall be  
8 provided only:

- 9 (A) To the defendant or defendant's counsel;  
10 (B) To the prosecuting attorney;  
11 (C) To the department of public safety;  
12 (D) To any psychiatrist, psychologist, or other  
13 treatment practitioner who is treating the  
14 defendant pursuant to a court order;  
15 (E) Upon request, to the adult client services  
16 branch; and  
17 (F) In accordance with applicable laws, persons, or  
18 entities doing research. The research entity  
19 must be approved and contracted by the department  
20 of public safety to protect the confidentiality



1                   of the information, insofar as the information is  
2                   not a public record."

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

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



**Report Title:**

PSD; Female Risk and Needs Assessment Tool; Correctional Facilities; Women's Correctional Centers; Female Inmates

**Description:**

Requires the Department of Public Safety to conduct pretrial female risk and needs assessments to measure female offenders' risk of flight, reoffending, or harming the community, and to consider factors important to women when considering their risks of reoffending and their treatment needs. (SD1)

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