
A BILL FOR AN ACT

RELATING TO INCARCERATION.

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

1 SECTION 1. The legislature finds that once released from
2 jails and prisons, individuals having arrest and conviction
3 records face many barriers to success, including housing
4 restrictions, workplace restrictions, and informal restrictions.
5 Further, the problems associated with reentry and the high rate
6 of recidivism among the formerly incarcerated population
7 necessitate programs to divert individuals from pretrial
8 detention and effectively assist the transition of formerly
9 incarcerated individuals from jails and prisons to the
10 community. The December 2018 "Final Report of the House
11 Concurrent Resolution 85 Task Force on Prison Reform to the
12 Hawaii Legislature" reported that "[e]ffective programs are
13 essential for a successful rehabilitative system". More
14 specifically, the report recommended that inmates, while
15 incarcerated, should be provided with the "resources and
16 opportunity to build and maintain family relationships, thereby
17 strengthening the support system available to them upon



1 release . . ." and with "comprehensive reentry-related
2 information and access to resources necessary to succeed in the
3 community."

4 The report goes on to urge the State to make a commitment
5 that, upon release, all prisoners will have: a decent place to
6 live; a state identification card, social security card, and
7 birth certificate; health insurance and, if necessary, financial
8 assistance benefits; employment, if the individual is
9 employable; access to ongoing addiction and mental health
10 treatment; and access to wellness centers rooted in Native
11 Hawaiian values.

12 The legislature further finds that an individual's stay in
13 a jail or prison costs the public between \$200 and \$400 per day,
14 depending on the level of security measures required. These
15 costs may be dramatically reduced through the implementation of
16 reentry and reintegration programs.

17 Accordingly, the purpose of this Act is to reduce
18 incarceration and recidivism rates in the State and increase
19 productivity in affected communities by appropriating moneys for
20 the development and maintenance of a comprehensive approach to
21 successful prisoner reentry and integration that provides



1 support to inmates while incarcerated and after their release.
2 A program of diversion, and pre-release and post-release reentry
3 support, including continuing family and other supportive and
4 needed information and assistance, will lead to successful
5 rehabilitation and reduction of recidivism.

6 SECTION 2. (a) To address the devastating impacts on the
7 criminal justice system of the separation of mothers from their
8 children, and to reduce the risk of multi-generational
9 incarceration, there is established a pilot program to allow
10 minor children to remain with their mothers while the mothers
11 are participating in therapeutic, drug treatment, or other
12 residential programs.

13 (b) The pilot program shall be administered by the
14 judiciary. The judiciary may provide this supportive service as
15 an incentive for mothers to complete therapeutic programs for
16 their successful rehabilitation and, accordingly, is
17 appropriated funds under section 6 of this Act.

18 SECTION 3. (a) To provide a comprehensive recidivism
19 prevention program, there is established within the judiciary a
20 five-year recidivism prevention pilot program. The program
21 shall consist of three components to assist the reentry of



1 program participants for two years following their release from
2 a correctional center: the housing voucher program; child care
3 voucher program; and employer income tax credit program.

4 (b) A program participant shall be an individual:

5 (1) Who is a resident of Hawaii;

6 (2) Who exited from the women's community correctional
7 center;

8 (3) Whose household income does not exceed eighty per cent
9 of the area median income; and

10 (4) Who is employed and either:

11 (A) Works for twenty or more hours in a workweek; or

12 (B) Spends twenty or more hours per workweek working
13 or participating in programs relating to
14 education, substance abuse, or parenting.

15 (c) Housing voucher program. The housing voucher program
16 shall provide program participants with housing vouchers on a
17 first-come, first-served basis; provided that the program
18 participant continues to satisfy the eligibility criteria in
19 subsection (b); provided further that the aggregate amount of
20 financial assistance provided under the pilot program has not
21 reached the maximum amount established in subsection (f). Each



1 housing voucher shall not exceed \$ and shall be used
2 for:

3 (1) Rent for the program participant's primary residence;
4 or

5 (2) A down payment or mortgage payments for the program
6 participant's primary residence; provided that the
7 program participant shall not own, operate, or control
8 any other residential real property.

9 (d) Child care voucher program. The child care voucher
10 program shall provide program participants with child care
11 vouchers on a first-come, first-served basis; provided that the
12 program participant:

13 (1) Continues to satisfy the eligibility criteria in
14 subsection (b);

15 (2) Has physical custody of a child; and

16 (3) Does not receive any child care subsidies;

17 provided further that the aggregate amount of financial
18 assistance provided under the pilot program has not reached the
19 maximum amount set forth in subsection (f). Each child care

20 voucher shall not exceed \$ per child and shall be used



1 for payment of fees to a child care facility for providing
2 services to the program participant's child.

3 (e) Employer income tax credit program. There shall be
4 allowed to each taxpayer subject to the tax imposed by chapter
5 235, Hawaii Revised Statutes, a credit for employment of a
6 qualified program participant-employee, which shall be
7 deductible from the employer's net income tax liability, if any,
8 imposed by chapter 235, Hawaii Revised Statutes, for the taxable
9 year in which the credit is properly claimed; provided that:

10 (1) The program shall require from an employer who employs
11 a qualified program participant-employee, an
12 application for verification of employment of a
13 qualified program participant-employee, in a form
14 prescribed by the program;

15 (2) Upon verifying that the individual named in the
16 application as a qualified program
17 participant-employee satisfies the criteria set forth
18 in paragraph (7), the program shall:

19 (A) Issue a written verification of employment of a
20 qualified program participant-employee to the
21 employer-applicant; and



1 (B) Provide the department of taxation and department
2 of labor and industrial relations with
3 information on the employer and the qualified
4 program participant-employee, and any other
5 information deemed necessary by the department of
6 taxation and department of labor and industrial
7 relations to verify and apply the tax credit to
8 the employer pursuant to this subsection;

9 (3) The tax credit allowed under this subsection shall be
10 available to the employer for a period not to exceed
11 two years after the date of the qualified program
12 participant-employee's release from incarceration;

13 (4) The amount of the tax credit under this subsection for
14 the taxable year shall be equal to the amount of
15 contributions paid by the employer pursuant to section
16 383-61, Hawaii Revised Statutes, for the qualified
17 program participant-employee. The department of labor
18 and industrial relations shall provide the department
19 of taxation with information deemed necessary by the
20 department of taxation pertaining to the amount of
21 contributions paid by the employer pursuant to section



- 1 383-61, Hawaii Revised Statutes, for the qualified
2 program participant-employee;
- 3 (5) The tax credit allowed under this subsection shall be
4 claimed against the employer's net income tax
5 liability for the taxable year. A tax credit under
6 this subsection that exceeds the employer's income tax
7 liability may be used as a credit against the
8 employer's income tax liability in subsequent years
9 until exhausted;
- 10 (6) All claims for tax credits under this subsection,
11 including any amended claims, shall be filed on or
12 before the end of the twelfth month following the
13 close of the taxable year for which the credits may be
14 claimed. Failure to comply with the foregoing
15 provision shall constitute a waiver of the right to
16 claim the credit; and
- 17 (7) For the purposes of this subsection, "qualified
18 program participant-employee" means an individual who:
- 19 (A) Is a Hawaii resident;
- 20 (B) Is eighteen years of age or older;



1 (C) Was released from incarceration during the
2 two-year period preceding the employer's filing
3 of an application for verification of employment
4 of the individual; and

5 (D) Works for the employer for twenty or more hours
6 in a workweek.

7 (f) The aggregate monetary amount of vouchers provided by
8 the State under subsections (c) and (d) to a program participant
9 shall not exceed \$30,000 for each fiscal year.

10 (g) The judiciary shall adopt rules pursuant to chapter
11 91, Hawaii Revised Statutes, and prescribe forms to be used by
12 program participants, to carry out the purposes of this section;
13 provided that rules and forms to carry out subsection (e) shall
14 be adopted and prescribed by the department of taxation, in
15 consultation with the judiciary, except as provided under
16 subsection (e)(1).

17 (h) The judiciary shall submit a report of its findings
18 and recommendations pertaining to the pilot program to the
19 legislature no later than twenty days prior to the convening of
20 the regular session of 2027. The report shall include:



- 1 (1) A record of pilot program activities and
- 2 accomplishments;
- 3 (2) A recommendation on whether the pilot program should
- 4 be continued, modified, or terminated, including
- 5 whether the assistance under the pilot program should
- 6 be extended to other correctional centers; and
- 7 (3) Any proposed legislation.

8 (i) As used in this section:

9 "Child" means an unmarried individual who is under eighteen
10 years of age. "Child" includes a biological, adopted, or foster
11 child; a stepchild; and a legal ward.

12 "Child care facility" has the same meaning as in section
13 346-151, Hawaii Revised Statutes.

14 "Child care subsidy" has the same meaning as in section
15 346-151, Hawaii Revised Statutes.

16 "Pilot program" means the five-year recidivism prevention
17 pilot program established pursuant to this section.

18 SECTION 4. (a) There is established within the department
19 of public safety an offender reset program to oversee
20 development and implementation of comprehensive pre- and



1 post-release programs to assist offenders who are transitioning
2 back into the community.

3 (b) The offender reset program shall assist offenders in
4 securing pre-release assistance in obtaining:

5 (1) Identification cards;

6 (2) Training and other assistance for post-release
7 housing, including transitional housing and permanent
8 housing;

9 (3) Medical and other services, as needed;

10 (4) Rehabilitation; and

11 (5) Employment prospects.

12 SECTION 5. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2022-2023 for
15 the development and maintenance of the offender reset program
16 established by section 4 of this Act, to support the reentry of,
17 and rehabilitation services and programs for, offenders while
18 they are in the custody and control of the department of public
19 safety.

20 The sum appropriated shall be expended by the department of
21 public safety for the purposes of section 4 of this Act.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2022-2023 for
4 the development and maintenance of diversion, reentry, and
5 rehabilitation services and programs under the jurisdiction of
6 the judiciary; provided that \$ shall be available for
7 diversion and other court services; provided further that
8 \$ or so much thereof as may be necessary shall be
9 available for family support for mothers to remain with their
10 minor children when in residential treatment programs; provided
11 further that \$ or so much thereof as may be necessary
12 shall be expended for a five-year pilot recidivism prevention
13 program that shall include full-time equivalent (FTE)
14 transition navigator positions exempt from chapter 76, Hawaii
15 Revised Statutes, and shall include child care and housing
16 vouchers; and provided further that housing vouchers exempt from
17 chapter 91, Hawaii Revised Statutes, shall be obtained from the
18 Hawaii public housing authority.

19 The sum appropriated shall be expended by the judiciary for
20 the purposes of this section.



1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2022-2023 for
4 the community housing of parolees under the jurisdiction of the
5 Hawaii paroling authority.

6 The sum appropriated shall be expended by the Hawaii
7 paroling authority for the purposes of this section.

8 SECTION 8. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2022-2023 for
11 pre- and post- reentry coordination to assist prisoners in
12 successfully meeting their housing and other post-release needs.

13 The sum appropriated shall be expended by the department of
14 human services for the purposes of this section.

15 SECTION 9. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2022-2023 for
18 the provision of health assessments and services, including but
19 not limited to physical, mental, behavioral, substance
20 addiction, and other services and programs required by inmates,
21 both pre- and post- release, necessary for successful



1 rehabilitation and reentry; provided that \$ or so much
2 thereof as may be necessary shall be used to provide a forensic
3 peer specialist program to assess and treat behavioral, mental,
4 and substance abuse issues; and provided further that
5 \$ shall be available for health-related supportive
6 services for mothers and their children when the mothers are
7 participating in residential treatment programs.

8 The sum appropriated shall be expended by the department of
9 health for the purposes of this section.

10 SECTION 10. The department of public safety, judiciary,
11 Hawaii paroling authority, department of human services, and
12 department of health shall each submit to the legislature, no
13 later than twenty days prior to the convening of the regular
14 session of 2024, a report of its respective findings and
15 recommendations. Each report shall include the following
16 information:

- 17 (1) The manner in which funds received pursuant to this
18 Act have been expended;
- 19 (2) The particular service providers involved;
- 20 (3) The number of persons who have been served;
- 21 (4) A description of the services provided;



- 1 (5) Measurable outcomes; and
- 2 (6) Any proposed legislation.

3 SECTION 11. The appropriations made pursuant to sections
4 5, 6, 7, 8, and 9 of this Act shall not lapse at the end of the
5 fiscal year for which the appropriations are made; provided that
6 all moneys from the appropriations unencumbered as of June 30,
7 2024, shall lapse as of that date; provided further that the
8 hiring of staff or technical assistance may be exempt, if
9 needed, from chapter 76, Hawaii Revised Statutes; provided
10 further that procurements executed pursuant to this Act shall be
11 exempt from the requirements of chapters 103D and 103F, Hawaii
12 Revised Statutes, but any exemptions shall not extend beyond
13 June 30, 2024; and provided further that the tax credit under
14 section 3(e) of this Act shall apply to taxable years beginning
15 after December 31, 2022, and ending before January 1, 2025.

16 SECTION 12. This Act shall take effect on July 1, 2050.



Report Title:

Diversion, Reentry, and Rehabilitation; Services and Programs; Recidivism Prevention Pilot Program; Offender Reset Program; PSD; Judiciary; Hawaii Paroling Authority; DHS; DOH; Report; Appropriation

Description:

Appropriates moneys for the development and maintenance of a comprehensive approach to successful prisoner reentry and integration that provides supports to inmates while incarcerated and after their release. Establishes a pilot program, to be administered by the Judiciary, to allow minor children to remain with their mothers while the mothers are participating in therapeutic, drug treatment, or other residential programs. Establishes within the Judiciary a 5-year recidivism prevention pilot program consisting of 3 components: the housing voucher program; child care voucher program; and employer income tax credit program. Establishes within the Department of Public Safety an offender reset program to oversee development and implementation of comprehensive pre- and post-release programs to assist offenders who are transitioning back into the community. Requires reports to the Legislature. Appropriates moneys to the Department of Public Safety, Judiciary, Hawaii Paroling Authority, Department of Human Services, and Department of Health. Effective 7/1/2050. (SD2)

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

