
A BILL FOR AN ACT

RELATING TO OFFENDERS.

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

- 1 SECTION 1. The purpose of this Act is to:
- 2 (1) Transfer responsibility for vocational, educational,
3 cultural, and other programming and services for
4 offenders from the department of public safety to the
5 judiciary, including responsibility for the
6 comprehensive offender reentry system; the Hawaii
7 correctional industries program; gender-responsive,
8 community-based programs for female offenders; model
9 gender-responsive programs for adult female offenders;
10 and annual reporting to the department of labor and
11 industrial relations on workforce development
12 programs;
- 13 (2) Make necessary conforming amendments to relevant
14 statutory provisions;
- 15 (3) Require the judiciary to submit a report to the 2023
16 legislature; and



1 (4) Appropriate an unspecified sum to the judiciary to
2 effectuate the purpose of this Act.

3 SECTION 2. All rights, powers, functions, and duties with
4 respect to vocational, educational, cultural, and other
5 programming and services for offenders in the custody of the
6 director of public safety are transferred from the department of
7 public safety to the judiciary, including responsibility for the
8 following:

- 9 (1) The comprehensive offender reentry system under
10 chapter 353H, Hawaii Revised Statutes;
- 11 (2) The Hawaii correctional industries program under
12 chapter 354D, Hawaii Revised Statutes;
- 13 (3) Gender-responsive, community-based programs for female
14 offenders under section 353-6.5, Hawaii Revised
15 Statutes;
- 16 (4) Model gender-responsive programs for adult female
17 offenders under chapter 367D, Hawaii Revised Statutes;
18 and
- 19 (5) Annual reporting to the department of labor and
20 industrial relations on workforce development programs
21 under section 202-10, Hawaii Revised Statutes.



1 SECTION 3. All references to "department of public
2 safety", "department", "director of public safety", "director",
3 or similar terms as the case may be, in chapter 353H, except for
4 section 353H-7, chapter 354D, and sections 202-10, 353-6.5,
5 367D-2, 367D-3, 367D-4, 367D-5, and 367D-8, Hawaii Revised
6 Statutes, shall be amended to "judiciary" or "chief justice", or
7 similar terms as the case may be, as the context requires.

8 SECTION 4. All employees who occupy civil service
9 positions and whose functions are transferred to the judiciary
10 by this Act shall retain their civil service status, whether
11 permanent or temporary. Employees shall be transferred without
12 loss of salary, seniority (except as prescribed by applicable
13 collective bargaining agreements), retention points, prior
14 service credit, any vacation and sick leave credits previously
15 earned, and other rights, benefits, and privileges, in
16 accordance with state personnel laws and this Act; provided that
17 the employees possess the minimum qualifications and public
18 employment requirements for the class or position to which
19 transferred or appointed, as applicable; provided further that
20 subsequent changes in status may be made pursuant to applicable
21 civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The chief justice
13 may prescribe the duties and qualifications of these employees
14 and fix their salaries without regard to chapter 76, Hawaii
15 Revised Statutes.

16 SECTION 5. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of public safety relating to
20 the functions transferred to the judiciary shall be transferred
21 with the functions to which they relate.



1 SECTION 6. All rules, policies, procedures, guidelines,
2 and other materials adopted or developed by the department of
3 public safety to implement provisions of the Hawaii Revised
4 Statutes that are made applicable to the judiciary by this Act,
5 shall remain in full force and effect until amended or repealed
6 by the department of public safety, pursuant to chapter 91,
7 Hawaii Revised Statutes.

8 In the interim, every reference to the department of public
9 safety or the director of public safety in those rules,
10 policies, procedures, guidelines, and other materials is amended
11 to refer to the judiciary or the chief justice, as appropriate.

12 SECTION 7. All service contracts entered into by or on
13 behalf of the department of public safety pursuant to chapter
14 353H, Hawaii Revised Statutes, and all venture agreements and
15 shared financing agreements entered into by or on behalf of the
16 department of public safety pursuant to chapter 354D, Hawaii
17 Revised Statutes, shall remain in full force and effect until
18 the expiration of those contracts and agreements.

19 SECTION 8. The judiciary shall submit a report of its
20 findings and recommendations, including any proposed legislation
21 necessary to fully implement the requirements of this Act, to



1 the legislature no later than twenty days prior to the convening
2 of the regular session of 2023.

3 SECTION 9. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2022-2023 to
6 effectuate the purposes of this Act, including the hiring of any
7 necessary staff and the procurement of any necessary office
8 space, equipment, and supplies.

9 The sum appropriated shall be expended by the judiciary for
10 the purposes of this Act.

11 SECTION 10. This Act shall take effect on July 1, 2022.

12

INTRODUCED BY:



JAN 26 2022



H.B. NO. 2473

Report Title:

PSD; Judiciary; Offender Programs and Services; Transfer of Responsibility; Report; Appropriation

Description:

Transfers responsibility for vocational, educational, cultural, and other programming and services for offenders from the Department of Public Safety to the Judiciary and makes necessary conforming amendments to relevant statutory provisions. Requires the Judiciary to submit a report to the 2023 Legislature. Appropriates moneys.

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

