

JAN 26 2022

A BILL FOR AN ACT

RELATING TO ASSISTANCE FOR PERSONS COMPLETING A TERM OF
IMPRISONMENT.

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

1 SECTION 1. The legislature finds that the number of women
2 in the criminal justice system has skyrocketed and that the
3 rates of women's incarceration exceed those of men. According
4 to the National Institute of Corrections of the United States
5 Department of Justice, women's entry into the criminal justice
6 system, offense patterns, and levels of risk often take a
7 different path compared to men.

8 The legislature recognizes that women's pathways into crime
9 often involve a history of abuse, neglect, and trauma. Many
10 women in the criminal justice system, or "justice-involved
11 women", initially entered the system as juveniles or as runaways
12 fleeing violence and abusive relationships. Patterns of drug
13 use, drug trafficking, prostitution, or engaging in property
14 crime are not uncommon for economic survival. Neither are
15 patterns of poverty, homelessness, low educational and
16 vocational attainment, and economic marginalization, all of



1 which increase the likelihood of criminal behavior. Criminal
2 involvement stemming from misplaced loyalty to family members
3 and significant others is another characteristic shared by many
4 justice-involved women. Thus, women inmates need more targeted
5 approaches, such as gender-responsive practices, that will help
6 to improve outcomes upon their exit from institutionalization.

7 The legislature also finds that Hawaii incarcerates a high
8 proportion of women. According to data compiled by the
9 judiciary's criminal justice research institute, the State's
10 female incarceration rate increased rapidly in the 1990s,
11 reflecting trends in other states. More specifically, in 1978,
12 only four women per one hundred thousand of the State's female
13 residents were incarcerated. By 2007, this number rose to
14 eighty, and decreased to forty-two as of 2018. However, it
15 remains of great concern that women currently make up a larger
16 proportion of the State's jail and prison population compared to
17 any other state. The incarceration disparity is especially
18 stark for native Hawaiian women, who constitute only nineteen
19 per cent of the State's female residents but forty-four per cent
20 of the female incarcerated population.



1 The legislature further finds that, in addition to the
2 State's high rate of female incarceration, it is also important
3 to consider the broader context for women's involvement in
4 Hawaii's criminal justice system. A study published in 2013
5 examined the trauma-informed care initiative at the women's
6 community correctional center on Oahu. The initiative sought to
7 create "a place of healing and forgiveness" inspired by the
8 ancient Hawaiian concept of puuhonua. Value was placed on
9 avoiding re-traumatizing trauma survivors and not causing trauma
10 responses in other women who had not previously experienced
11 trauma. Notably, the study identified key demographic
12 characteristics of the women at this correctional facility. An
13 inmate was more likely to be of Hawaiian or part-Hawaiian
14 ethnicity compared to the State's general population (forty per
15 cent); likely to report childhood and sexual victimization
16 (sixty per cent); likely serving time for either a felony drug
17 charge (thirty-five per cent) or property offense (thirty-six
18 per cent); likely to have experienced some violence in her own
19 life (eighty per cent); likely to have a history of substance
20 abuse (ninety-five per cent) and history of mental health issues
21 (thirty-three per cent); and likely to be the mother of at least



1 one child (sixty per cent). Not surprisingly, then, the
2 criminal justice research institute emphasizes that data on the
3 social characteristics of justice-involved women in this State
4 demonstrate a need to consider factors related to poverty,
5 mental health, and culture in order to create more equitable
6 outcomes. More specifically, research suggests that women
7 leaving the corrections system should receive some form of
8 support during the process of reentering society to ensure a
9 successful transition and maximize their long-term success.

10 The legislature believes that one way to support women
11 inmates as they prepare for reentry, while addressing their
12 unique characteristics, needs, and barriers to success, is to
13 provide temporary assistance in the form of housing and child
14 care vouchers. The legislature intends for vouchers to be
15 provided to qualifying applicants based upon financial need and
16 contingent upon the applicant working or attending a substance
17 abuse treatment, parenting skills, or other educational program
18 for a specified minimum number of hours per week. Given
19 Hawaii's high cost of living, recently exacerbated by monetary
20 inflation resulting from the coronavirus disease 2019 (COVID-19)
21 pandemic, these vouchers would help reentering women afford the



1 two most expensive, yet basic, necessities that will allow them
2 stability and certainty as they pursue employment and
3 educational opportunities.

4 The legislature anticipates that such a voucher program for
5 inmates leaving incarceration would likely attract a higher
6 percentage of women applicants and thus award a higher
7 proportion of available vouchers to women. To be clear,
8 however, it is not the intent of the legislature to engage in
9 unlawful sex- or gender-based discrimination. Male inmates who
10 will be single custodial parents upon release from incarceration
11 would also be eligible to apply for housing and child care
12 vouchers. The reality is simply that many more female inmates
13 will be single custodial parents after leaving incarceration
14 when compared to male inmates.

15 Accordingly, the purpose of this Act is to establish a
16 pilot program to provide housing and child care vouchers to
17 persons leaving incarceration, for a period of up to two years,
18 provided that certain eligibility requirements are met.

19 SECTION 2. (a) There is established within the department
20 of human services a four-year pilot program to provide housing
21 and child care vouchers to qualified applicants who will soon



1 complete, or have recently completed, a term of imprisonment as
2 a sentenced offender, and who have or will have sole or primary
3 custody of one or more children under the age of eighteen.

4 (b) The department shall administer the program in
5 accordance with established best practices for housing and child
6 care assistance programs. The department may consider
7 structuring the voucher program in a manner similar to the
8 section eight housing choice voucher program funded by the
9 United States Department of Housing and Urban Development;
10 provided that the program comply with the following provisions:

11 (1) The program shall accept a timely completed and
12 submitted program application without regard to an
13 applicant's sex or gender; provided that an applicant:
14 (A) Is a Hawaii resident who is eighteen years of age
15 or older;
16 (B) Is scheduled to be released from incarceration
17 within six months of the date of the applicant's
18 submission of a completed program application, or
19 the applicant was released from incarceration
20 during the six month period preceding the



1 applicant's submission of a completed program
2 application; and

3 (C) Has, or expects to have upon release from
4 incarceration or shortly thereafter, sole or
5 primary custody of one or more children under the
6 age of eighteen;

7 (2) The program shall only consider providing housing and
8 child care vouchers to qualifying applicants who
9 demonstrate:

10 (A) A verified need for assistance as a recently
11 released inmate or upon release from
12 incarceration; and

13 (B) One or more of the following:

14 (i) A verified offer of employment, or
15 prospective employment upon release from
16 incarceration; or

17 (ii) Verified enrollment, or prospective
18 enrollment upon release from incarceration,
19 in a substance abuse treatment, parenting
20 skills, or other educational program;



- 1 (3) Program participants who are selected by the
2 department to receive housing or child care vouchers
3 shall be eligible for a full subsidy of demonstrated
4 housing or child care expenses during the first three
5 months of program participation, subject to any
6 maximum amounts established by the department;
7 provided that thereafter, the program participant be
8 required to contribute a portion of the participant's
9 monthly income toward the participant's housing and
10 child care expenses; provided further that the
11 appropriate amount of financial contribution shall be
12 determined by the department;
- 13 (4) Housing or child care vouchers shall be provided to a
14 program participant for a period not exceeding two
15 years, and shall be conditioned upon compliance with
16 the following requirements:
- 17 (A) The program participant is engaged in verified
18 employment totaling at least twenty hours per
19 week; or
- 20 (B) The program participant is engaged in verified
21 employment and is attending a verified substance



1 abuse treatment, parenting skills, or other
2 educational program, for a combined total of at
3 least twenty hours per week;

4 (5) The department shall determine the appropriate means
5 of and intervals for verifying employment or
6 attendance at an educational program, child custody
7 arrangements, and housing and child care arrangements;
8 and

9 (6) The department shall establish any other program
10 criteria as necessary and appropriate.

11 (c) The pilot program shall terminate after four years of
12 operation.

13 (d) The department shall submit an interim report of its
14 findings and recommendations, including any proposed
15 legislation, to the legislature no later than twenty days prior
16 to the convening of the regular session of 2024.

17 The report shall include the following information;
18 provided that information relating to an applicant or program
19 participant's name, age, date of birth, residential address, or
20 contact information is excluded:



- 1 (1) The total number of program applicants, and of this
2 number, the number of female versus male applicants;
- 3 (2) The number of applicants who were selected to receive
4 housing or child care vouchers, and of this number,
5 the number of female versus male recipients for each
6 type of voucher;
- 7 (3) The number of voucher recipients who successfully
8 complied with the requirements needed to remain in the
9 program and continue receiving assistance;
- 10 (4) The number of voucher recipients, if any, who were
11 discharged from the program for failure to maintain
12 compliance with program requirements, and the general
13 types or categories of reasons therefor;
- 14 (5) The total number of housing vouchers awarded and the
15 aggregate monetary value thereof;
- 16 (6) The total number of child care vouchers awarded and
17 the aggregate monetary value thereof; and
- 18 (7) Of the housing and child care vouchers awarded:
19 (A) The lowest and highest monetary value of any one
20 housing or child care voucher awarded; and



1 (B) The average monetary value of each housing or
2 child care voucher awarded.

3 (e) The department shall submit a final report of its
4 findings and recommendations, including any recommendation as to
5 whether the pilot program should be extended or made permanent,
6 along with any proposed legislation, to the legislature no later
7 than twenty days prior to the convening of the regular session
8 of 2026.

9 The report shall also include updates to all of the
10 information specified in subsection (d).

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2022-2023 for
14 the purpose of providing housing and child care vouchers in
15 accordance with the pilot program established by section 2 of
16 this Act.

17 The sum appropriated shall be expended by the department of
18 human services for the purposes of this Act.

19 SECTION 4. This Act shall take effect on July 1, 2022, and
20 shall be repealed on June 30, 2026; provided that any



S.B. NO. 3293

1 unencumbered moneys appropriated pursuant to this Act shall
2 lapse to the credit of the general fund upon this Act's repeal.
3

INTRODUCED BY: Michelle D. Sedani



S.B. NO. 3293

Report Title:

DHS; Pilot Program; Inmates; Reentry; Housing; Child Care; Vouchers; Report; Appropriation

Description:

Establishes within the Department of Human Services a 4-year pilot program to provide housing and child care vouchers to qualified applicants who will soon complete, or have recently completed, a term of imprisonment as a sentenced offender, and who have or will have sole or primary custody of 1 or more children under the age of 18. Requires a voucher recipient to be employed at least 20 hours per week or be employed and attend an educational program for a combined total of at least 20 hours per week. Requires reports to the 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.

