
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, nor are patterns
15 of poverty, homelessness, low educational and vocational
16 attainment, and economic marginalization, all of which increase



1 the likelihood of criminal behavior. Criminal involvement
2 stemming from misplaced loyalty to family members and
3 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:

- 17 (1) Housing and child care vouchers for a period of up to
18 two years to persons leaving incarceration, provided
19 that certain eligibility requirements are met; and
20 (2) Income tax credit for taxpayers who employ qualified
21 program participants to incentivize employers to hire



1 persons leaving incarceration to assist in the
2 rehabilitation process.

3 SECTION 2. (a) There is established within the department
4 of human services a four-year pilot program to provide housing
5 and child care vouchers to program qualified applicants who will
6 soon complete, or have recently completed, a term of
7 imprisonment as a sentenced offender and who have or will have
8 sole or primary custody of one or more children under the age of
9 eighteen.

10 (b) Housing and child care voucher program. The
11 department shall administer the voucher program in accordance
12 with established best practices for housing and child care
13 assistance programs. The department may consider structuring
14 the voucher program in a manner similar to the section eight
15 housing choice voucher program funded by the United States
16 Department of Housing and Urban Development; provided that the
17 voucher program complies with the following provisions:

18 (1) The voucher program shall accept a timely completed
19 and submitted program application without regard to an
20 applicant's sex or gender; provided that an applicant:



- 1 (A) Is a Hawaii resident who is eighteen years of age
- 2 or older;
- 3 (B) Is scheduled to be released from incarceration
- 4 within six months of the date of the applicant's
- 5 submission of a completed program application, or
- 6 the applicant was released from incarceration
- 7 during the six-month period preceding the
- 8 applicant's submission of a completed program
- 9 application; and
- 10 (C) Has, or expects to have upon release from
- 11 incarceration or shortly thereafter, sole or
- 12 primary custody of one or more children under the
- 13 age of eighteen;
- 14 (2) The program shall only consider providing housing and
- 15 child care vouchers to qualifying applicants who
- 16 demonstrate:
- 17 (A) A verified need for assistance as a recently
- 18 released inmate or upon release from
- 19 incarceration; and
- 20 (B) One or more of the following:



- 1 (i) A verified offer of employment, or
- 2 prospective employment upon release from
- 3 incarceration; or
- 4 (ii) Verified enrollment, or prospective
- 5 enrollment upon release from incarceration,
- 6 in a substance abuse treatment, parenting
- 7 skills, or other educational program;
- 8 (3) Program participants who are selected by the
- 9 department to receive housing or child care vouchers
- 10 shall be eligible for a full subsidy of demonstrated
- 11 housing or child care expenses during the first three
- 12 months of program participation, subject to any
- 13 maximum amounts established by the department;
- 14 provided that thereafter, the program participant be
- 15 required to contribute a portion of the participant's
- 16 monthly income toward the participant's housing and
- 17 child care expenses; provided further that the
- 18 appropriate amount of financial contribution shall be
- 19 determined by the department;
- 20 (4) Housing or child care vouchers shall be provided to a
- 21 program participant for a period not exceeding two



1 years, and shall be conditioned upon compliance with
2 the following requirements:

3 (A) The program participant is engaged in verified
4 employment totaling at least twenty hours per
5 week; or

6 (B) The program participant is engaged in verified
7 employment and is attending a verified substance
8 abuse treatment, parenting skills, or other
9 educational program, for a combined total of at
10 least twenty hours per week;

11 (5) The department shall determine the appropriate means
12 of and intervals for verifying employment or
13 attendance at an educational program, child custody
14 arrangements, and housing and child care arrangements;
15 and

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

18 (c) Employer income tax credit program. There shall be
19 allowed to each taxpayer subject to the tax imposed by chapter
20 235, Hawaii Revised Statutes, a credit for employment of
21 qualified program participants, which shall be deductible from



1 the employer's net income tax liability, if any, imposed by
2 chapter 235, Hawaii Revised Statutes, for the taxable year in
3 which the credit is properly claimed.

4 (1) The program shall require from an employer who employs
5 a qualified program participant, an application for
6 verification of employment of a qualified program
7 participant, in a form prescribed by the program.

8 (2) The program, upon verifying that the individual named
9 as a qualified program participant-employee in the
10 application satisfies the criteria set forth in
11 paragraph (7), shall:

12 (A) Issue a written verification of employment of a
13 qualified program participant to the employer-
14 applicant; and

15 (B) Provide the department of taxation and department
16 of labor and industrial relations with
17 information on the employer and the qualified
18 program participant-employee, and any other
19 information deemed necessary by the department of
20 taxation and department of labor and industrial



1 relations to verify and apply the tax credit to
2 the employer pursuant to this subsection.

3 (3) The tax credit allowed under this section shall be
4 available to the employer for a period not to exceed
5 two years after the date of the qualified program
6 participant-employee's release from incarceration.

7 (4) The amount of the tax credit under this subsection for
8 the taxable year shall be equal to the amount of
9 contributions paid by the employer pursuant to section
10 383-61, Hawaii Revised Statutes, for the qualified
11 program participant-employee. The department of labor
12 and industrial relations shall provide the department
13 of taxation with information deemed necessary by the
14 department of taxation pertaining 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.

18 (5) The tax credit allowed under this section shall be
19 claimed against the employer's net income tax
20 liability for the taxable year. A tax credit under
21 this section that exceeds the employer's income tax



1 liability may be used as a credit against the
2 employer's income tax liability in subsequent years
3 until exhausted.

4 (6) All claims for tax credits under this section,
5 including any amended claims, shall be filed on or
6 before the end of the twelfth month following the
7 close of the taxable year for which the credits may be
8 claimed. Failure to comply with the foregoing
9 provision shall constitute a waiver of the right to
10 claim the credit.

11 (7) For the purposes of this subsection, "qualified
12 program participant" means a Hawaii resident who:
13 (A) Is eighteen years of age or older;
14 (B) Was released from incarceration during the two-
15 year period preceding the employer's filing of
16 application for verification of employment of a
17 qualified program participant;
18 (C) Has sole or primary custody of one or more
19 children under the age of eighteen; and
20 (D) Works for the employer for twenty or more hours
21 in a workweek.



1 (d) The pilot program shall terminate on June 30, 2026.

2 (e) The department shall submit an interim report of its
3 findings and recommendations, including any proposed
4 legislation, to the legislature no later than twenty days prior
5 to the convening of the regular session of 2024.

6 The report shall include the following information;
7 provided that information relating to an applicant or program
8 participant's name, age, date of birth, residential address, or
9 contact information shall be excluded:

10 (1) For the housing and child care voucher program:

11 (A) The total number of program applicants, and of
12 this number, the number of female and male
13 applicants, respectively;

14 (B) The number of applicants who were selected to
15 receive housing or child care vouchers, and of
16 this number, the number of female and male
17 recipients, respectively, for each type of
18 voucher;

19 (C) The number of voucher recipients who successfully
20 complied with the requirements needed to remain
21 in the program and continue receiving assistance;



- 1 (D) The number of voucher recipients, if any, who
2 were discharged from the program for failure to
3 maintain compliance with program requirements,
4 and the general types or categories of reasons
5 therefor;
- 6 (E) The total number of housing vouchers awarded and
7 the aggregate monetary value thereof;
- 8 (F) The total number of child care vouchers awarded
9 and the aggregate monetary value thereof; and
- 10 (G) Of the housing and child care vouchers awarded:
11 (i) The lowest and highest monetary value of any
12 one housing or child care voucher awarded;
13 and
14 (ii) The average monetary value of each housing
15 or child care voucher awarded.
- 16 (2) For the employer income tax credit program, the
17 department shall coordinate with the department of
18 taxation to report on the following:
- 19 (A) The total number of employers who were issued
20 verification of employment of a qualified program
21 participant; and



1 (B) The total number of qualified program
2 participants employed by employers who received
3 verification of employment of a qualified program
4 participant; and

5 (C) The number of qualified program participants
6 employed by the employer who received
7 verification of employment of a qualified program
8 participant after the expiration of the two-year
9 tax credit period.

10 (e) The department shall submit a final report of its
11 findings and recommendations, including any recommendation as to
12 whether the pilot program should be extended or made permanent,
13 along with any proposed legislation, to the legislature no later
14 than twenty days prior to the convening of the regular session
15 of 2026.

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

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2022-2023 for
21 the purpose of providing housing and child care vouchers in



1 accordance with the pilot program established by section 2 of
2 this Act.

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

5 SECTION 4. This Act shall take effect on July 1, 2022, and
6 shall be repealed on June 30, 2026; provided that section 2(c)
7 of this Act shall apply to taxable years beginning after
8 December 31, 2021; provided further that any unencumbered moneys
9 appropriated pursuant to this Act shall lapse to the credit of
10 the general fund upon this Act's repeal.



Report Title:

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

Description:

Establishes within the Department of Human Services a four-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 one or more children under the age of eighteen. Income tax credit to employers who employ qualified program participants for up to two years after the qualified program participant is released from a correctional facility. Requires reports to the Legislature. Appropriates funds. (SD1)

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

