
A BILL FOR AN ACT

RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

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

1 SECTION 1. Section 353L-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established within the department of the
4 attorney general for administrative purposes only a Hawaii
5 correctional system oversight commission consisting of five
6 members who shall be residents of this State and, by and with
7 the advice and consent of the Senate, appointed as follows:

- 8 (1) One member shall be appointed by the governor;
- 9 (2) One member shall be appointed by the president of the
10 senate;
- 11 (3) One member shall be appointed by the speaker of the
12 house of representatives;
- 13 (4) One member shall be appointed by the chief justice;
- 14 and
- 15 (5) One member shall be appointed by the chairperson of
16 the board of trustees of the Office of Hawaiian
17 Affairs.



1 The commission members shall annually elect one of the
2 members to serve as chairperson of the commission."

3 SECTION 2. Section 353L-2, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The governor shall appoint an oversight coordinator
6 from a list of three nominees submitted by the commission. The
7 oversight coordinator shall be a person qualified by training
8 and experience to administer the Hawaii correctional system
9 oversight commission and shall be well-versed in criminal
10 justice reform and maintain a firm commitment to the
11 correctional system's transition to a rehabilitative and
12 therapeutic model. The oversight coordinator shall serve a
13 [~~two-year~~] four-year term."

14 SECTION 3. Section 353L-3, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§353L-3 Hawaii correctional system oversight commission;**
17 **powers and duties.** (a) The commission shall meet with the
18 oversight coordinator not less than once each quarter to make
19 recommendations and set policy, receive reports from the
20 oversight coordinator, and transact other business properly
21 brought before the commission.



- 1 (b) The commission shall:
- 2 (1) Oversee the State's correctional system and have
- 3 jurisdiction over investigating complaints at
- 4 correctional facilities and facilitating a
- 5 correctional system transition to a rehabilitative and
- 6 therapeutic model; provided that when an investigation
- 7 is concluded, the commission shall publish a summary
- 8 of the investigation, without information that would
- 9 identify any complainant or witness, and any action
- 10 taken by the commission in response;
- 11 (2) Establish maximum inmate population limits for each
- 12 correctional facility and formulate policies and
- 13 procedures to prevent the inmate population from
- 14 exceeding the capacity of each correctional facility;
- 15 (3) Work with the department of public safety in
- 16 monitoring and reviewing the comprehensive offender
- 17 reentry program, including facility educational and
- 18 treatment programs, rehabilitative services, work
- 19 furloughs, and the Hawaii paroling authority's
- 20 oversight of parolees. The commission may make
- 21 recommendations to the department of public safety,



1 the Hawaii paroling authority, and the legislature
2 regarding reentry and parole services; and

3 (4) Ensure that the comprehensive offender reentry system
4 under chapter 353H is working properly to provide
5 programs and services that result in the timely
6 release of inmates on parole when the minimum terms
7 have been served instead of delaying the release for
8 lack of programs and services.

9 To achieve these ends, the commission shall authorize the
10 oversight coordinator to adopt rules in accordance with
11 chapter 91.

12 (c) In addition to the purposes described in section 92-
13 5(a) or any other applicable exemption from part I of chapter 92
14 and in accordance with the procedures for holding an executive
15 session meeting pursuant to section 92-4, the commission may
16 hold a meeting closed to the public to discuss with the
17 oversight coordinator a complaint investigated pursuant to
18 subsection (b) (1) when necessary to maintain confidentiality as
19 required by section 353L-7(d)."

20 SECTION 4. Section 353L-7, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) [~~In an investigation, the~~] The oversight coordinator
2 may make inquiries and obtain information as the oversight
3 coordinator thinks fit, enter without notice to inspect the
4 premises of an agency or correctional facility, and, in an
5 investigation, hold private hearings in accordance with
6 chapter 91."

7 SECTION 5. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on June 30, 3000.



Report Title:

Corrections; Oversight; Coordinator; Meetings; Investigations

Description:

Requires members of the Hawaii Correctional System Oversight Commission be subject to the advice and consent of the Senate. Extends the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission. Requires the Commission to publish a summary of an investigation and any action taken by the Commission in response. Authorizes the Commission to hold a meeting closed to the public to discuss with the Oversight Coordinator a complaint investigated when necessary to maintain confidentiality, under certain conditions. Broadens the Oversight Coordinator's power to make inquiries, obtain information, and inspect the premises of agencies and correctional facilities. Effective 6/30/3000. (SD1)

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

