

## ACT 201

H. B. NO. 1446-70

A Bill for an Act Relating to Compensation of Prisoners.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 353-15 of the Hawaii Revised Statutes is amended to read as follows:

**“Section 353-15. Cash and clothing furnished discharged prisoner, when.** Upon the discharge or parole of any prisoner who has undergone a commitment or sentence of one year or more, he shall be furnished by the department of social services to be administered by the Board of Pardons and Paroles with funds of not more than \$100 and clothing sufficient to meet his immediate needs. The expenditures so made by the department shall be included by it among the accounts for cost and maintenance of prisoners.”

SECTION 2. Section 353-24 is amended to read as follows:

**“Section 353-24. Director to fix prisoners’ compensation.** The director of social services may by rule classify, grade, and fix earnings to be paid to prisoners who may be confined in any correctional facilities of the State of Hawaii.”

SECTION 3. Section 353-25 is amended to read as follows:

**“Section 353-25. Compensation for labor or training by prisoners.** Every prisoner who is working within a state correctional facility or who is in such training or educational programs as the director or his agent, pursuant to law prescribes, may be allowed such graduated sums of money not exceeding \$5 and not less than \$2 per day as the director of social services by rule may determine.”

SECTION 4. Section 353-27 is amended to read as follows:

**“Section 353-27. Custody of moneys; accounts for prisoners, etc.** All sums collected under section 353-26 and all monies confiscated from prisoners during their incarceration shall be deposited by the department of social services in an individual bank account to the credit of the prisoner, and all interest paid thereon by the bank shall be credited by the bank to the credit of each prisoner. The department shall maintain individual ledger accounts for each prisoner and shall issue to each prisoner a quarterly statement showing credits and debits.”

SECTION 5. Section 353-28 is amended to read as follows:

**“Section 353-28. Withdrawals; forfeitures; etc.** The department of social services shall allow any prisoner under its direction to draw from funds in his account such amounts and for such purpose as it may deem proper, and the department shall, upon the parole or discharge of a prisoner, pay to him any money to which he may be entitled under sections 353-24 to 353-31. Upon the death of any prisoner during his incarceration, all funds to which he may have been entitled shall be distributed as provided by law in the same manner as his other property.”

SECTION 6. Section 353-29 reading as follows is repealed:

**“Section 353-29. To what prisoners sections not applicable.** Sections 353-24 to 353-31 shall not apply to any prisoner who is held in prison until and after he has served at least three months of the term of his sentence.”

SECTION 7. Section 354-2 (1) is amended to read as follows:

**“Section 354-2. Establishment of industries at the state prison and other correctional facilities.** The department of social services shall, with the advice and assistance of the department of planning and economic development, be responsible to study and evaluate any proposed or existing correctional industrial enterprise to determine if the enterprise conflicts with the orderly and planned economic development of the State. The department of social services shall:

- (1) Introduce productive industrial and agricultural enterprises in the prisons and institutions under the jurisdiction of the administrator of the corrections division in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities and pay to assigned inmates a daily wage of not more than \$5 nor less than \$2.
- (2) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any industrial or agricultural enterprise involving a gross annual production of more than \$25,000 value, but in no case more than \$350,000 value, and authorize or prohibit such action. The department shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the department. The department shall annually adjust the maximum gross annual production value of \$350,000 permitted for each enterprise, the purpose of such adjustment being to keep the limit in balance with changes in population of state institutions and changes in cost of production and any conflict with private business.

An industrial enterprise with a gross annual production of over \$25,000 shall not be established without a public hearing. Public notice of the hearing shall be given prior to the hearing. The department may hold public hearings on any subject within its jurisdiction.”

SECTION 8. Statutory material to be repealed is bracketed. New mate-

rial is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material or the underscoring.\*

**SECTION 9.** This Act shall take effect on July 1, 1970.

(Approved July 2, 1970.)

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\* Edited accordingly