

## ACT 117

H.B. NO. 2848

A Bill for an Act Relating to Public Safety.

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

SECTION 1. The legislature finds that the most recent information on the use of drugs, alcohol, and tobacco reveals a disturbing rise in the use of these substances among the native Hawaiian population. Many studies conducted both nationally and statewide show native Hawaiians to be at particularly high risk for substance abuse. Among students in the eighth and tenth grades, native Hawaiian children rank highest among all ethnic groups in the use of these substances. The studies also show that substance abuse starts at an early age and, if not addressed, will:

- (1) Lead to more serious offenses, which break down family structures spiritually, psychologically, socially, and economically;
- (2) Create many health hazards and problems; and
- (3) Lead to other serious problems, such as poverty, homelessness, and a growing dependence on both legal and illegal drugs, which in turn may lead to child abuse, family abuse, sexual abuse, and other serious, life-threatening crimes.

The legislature finds that a pu'uhonua, or wellness center, based on Hawaiian cultural practices will help the native Hawaiian community and the community at-large. Unquestionably, many high-risk persons need to be cared for in a much more sensitive intervention program that will address solutions that will alleviate their problems. The greatest potential to stem the tide of this horrific situation lies in the creation of a pu'uhonua comprising a culturally-based substance abuse treatment and intervention program that takes a holistic approach based upon cultural identity and strength to get to the core of substance abuse. The cultural practices of pule, ho'oponopono, aloha 'aina, mahi'ai, la'au lapa'au, and aloha will help create a sensitive setting. These cultural practices have been successful in the past, possessing the optimal potential to heal an individual. A culturally-based pu'uhonua will restore and maintain a better atmosphere and relationship between family, friends, community, and society.

The legislature further finds that the site formerly used as the Kulani correctional facility in east Hawaii would be an ideal site for such a wellness center. It is a place of deep spirituality for the Hawaiian people and, pragmatically, it has the infrastructure and historical precedent for use in sustainable living.

The legislature also finds that incarcerated individuals who do not pose a threat to public safety should be allowed to work in the community on community projects that accommodate their level of skill. For example, the island of Hawaii has hundreds of acres of invasive plant species such as *Miconia calvescens*, a species of tree from South America which, according to the Smithsonian Institution, is the one plant that could destroy the Hawaiian forest. Other areas of the State are infested with albizia and banana poka, which also choke and kill native plants. The eradication of invasive species such as *Miconia calvescens* has largely been the work of volunteers. Given the need for invasive species control and other work in local communities and the overcrowding of the State's correctional facilities, the legislature finds that allowing incarcerated persons who do not pose a public safety threat to work in the community would provide valuable services while creating opportunities for those persons to learn new skills and apply them in ways that benefit the State.

The purpose of this Act is to:

- (1) Reduce recidivism, prevent crime, and ensure long-term positive change by developing a plan to create a wellness center that rees-

establishes highly recognized native Hawaiian cultural practices to restore the overall well-being of persons, families, and the native Hawaiian community; and

- (2) Create a pilot program to allow incarcerated persons on the Big Island to work in the community on community projects that benefit the local community and the State.

SECTION 2. The department of public safety, in cooperation with Ohana Ho'opakele and other restorative justice groups, is directed to prepare a plan for the creation of a pu'uhonua, or wellness center, on lands owned or controlled by the State. The public land development corporation shall assist in determining an appropriate site for the center; provided that the site formerly used as the Kulani correctional facility on the island of Hawaii shall be given preference, unless another site will provide a greater possibility of success.

The department of public safety shall submit a report to the legislature on its plan, findings, and recommendations, including the factors used in determining site selection, and any budget requests necessary to achieve the purposes of this Act, no later than twenty days prior to the convening of the regular session of 2013.

SECTION 3. (a) There is created within the department of public safety a work release pilot program on the island of Hawaii to allow incarcerated persons on the island of Hawaii to work on community projects on the island that benefit the local community and the State; provided that persons who perform work outside a correctional facility as part of the work release pilot program pose a low risk to public safety, as determined by the director of public safety.

(b) The department of land and natural resources shall collaborate with the department of public safety to identify potential community projects on the island of Hawaii that may benefit from inclusion in the pilot program.

(c) The department of public safety may provide for the shelter of incarcerated persons outside of a correctional facility while participating in the work release pilot program on the island of Hawaii.

(d) The department of public safety may receive public and private grants for the purposes of this section.

SECTION 4. This Act shall take effect upon its approval; provided that section 3 of this Act shall be repealed on June 30, 2015.

(Approved June 15, 2012.)