

ACT 76

S.B. NO. 2866

A Bill for an Act Relating to Comprehensive Offender Reentry System.

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

SECTION 1. Act 8, First Special Session Laws of Hawaii 2007, added a new chapter to the Hawaii Revised Statutes entitled “Comprehensive Offender Reentry System” to prepare incarcerated individuals for reentry into the community through programs and services that reflect best practices and evidence-based results. The goal of reentry is to provide offenders with greater opportunities to be rehabilitated while ensuring public safety and reducing recidivism.

Act 24, Special Session Laws of Hawaii 2009, amended section 353-10, Hawaii Revised Statutes, to incorporate the responsibilities of offender reentry into the long-established intake service centers and established the reentry commission to work with the department of public safety in monitoring and reviewing the comprehensive offender reentry program.

The purpose of this Act is to:

- (1) Create the offender reentry office to oversee offender reentry, thereby restoring the purpose of the intake service centers to screen, evaluate, and classify the admission of persons to community correctional centers; and

- (2) Reconstitute the reentry commission, expand its duties, and extend its repeal date.

SECTION 2. Chapter 353H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§353H- Offender reentry office. There shall be established within the department of public safety an offender reentry office to oversee the development and implementation of the comprehensive offender reentry system.

The offender reentry office shall:

- (1) Ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner;
- (2) Develop and implement risk needs assessment tools to properly place offenders in programs and services;
- (3) Match offenders to programs and services that address risks and needs identified;
- (4) Monitor and record progress made by offenders while participating in prescribed programs and services;
- (5) Identify and make recommendations to address needs not addressed by programs and services;
- (6) Provide training opportunities for department staff and service providers in assessments and evidence-based practices;
- (7) Work closely and collaborate with the community service and work furlough programs located in the community correctional centers and correctional facilities;
- (8) Work closely and collaborate with the Hawaii paroling authority; and
- (9) Work closely and collaborate with community partners such as organizations, businesses, and concerned citizens.”

SECTION 3. Section 353-10, Hawaii Revised Statutes, is amended to read as follows:

“§353-10 [Reentry intake] Intake service centers. There shall be within the department of public safety, ~~[a reentry]~~ an intake service center for adults in each of the counties, to screen, evaluate, and classify the admission of persons to community correctional centers ~~[and to provide for the successful reentry of persons back into the community]~~. Each center shall be directed and managed by a manager and shall be staffed by a team of psychiatrists, social workers, technicians, and other personnel as may be necessary. The director of public safety may appoint full-time or part-time professional and clerical staff or contract for professional services ~~[to carry out the duties of the centers as identified in this section]~~.

The centers shall:

- (1) Provide orientation, guidance, and technical services;
- (2) Provide social-medical-psychiatric-psychological diagnostic evaluation;
- (3) Provide pretrial assessments on adult offenders for the courts and assist in the conduct of presentence assessments on adult offenders and the preparation of presentence reports when requested by the courts;
- (4) Provide correctional prescription program planning and security classification;

- (5) Provide such other personal and correctional services as needed for both detained and committed persons; and
- (6) Monitor and record the progress of persons assigned to correctional facilities who undergo further treatment or who participate in pre-scribed correctional programs];
- (7) ~~Ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner;~~
- (8) ~~Provide additional reentry services to include working closely and collaborating with the furlough programs in each county that are currently managed by the department's institutions division;~~
- (9) ~~Work closely and collaborate with the Hawaii paroling authority; and~~
- (10) ~~Work closely and collaborate with the corrections program services division].”~~

SECTION 4. Act 24, Special Session Laws of Hawaii 2009, is amended by amending section 3 to read as follows:

“SECTION 3. (a) Effective January 1, 2010, there is established within the department of public safety a reentry commission to work with the department in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees. The reentry commission may make recommendations to the department, the Hawaii paroling authority, and the legislature regarding reentry and parole services. The reentry commission shall ensure that the comprehensive offender reentry system under chapter 353H, Hawaii Revised Statutes, is implemented as soon as practicable to provide programs and services that result in the release of inmates on parole when the maximum terms have been served instead of delaying the release for lack of programs and services.

(b) The reentry commission shall consist of ~~[eleven]~~ ten members who shall be ~~[appointed by the governor in accordance with section 26-34, Hawaii Revised Statutes.]~~ selected as follows:

- (1) ~~Four members shall be selected by the governor; provided that at least one of the four shall be a former inmate and none shall be government employees;~~
- (2) ~~Two members shall be selected by the president of the senate;~~
- (3) ~~Two members shall be selected by the speaker of the house of representatives;~~
- (4) ~~One member shall represent the American Civil Liberties Union;~~
- (5) ~~One member shall represent the Community Alliance on Prisons; and~~
- (6) ~~One member shall be a former inmate who has successfully been reintegrated into the community.]~~
- (1) Three members shall be selected by the governor, of whom one shall be a rehabilitated former inmate;
- (2) Three members shall be selected by the president of the senate;
- (3) Three members shall be selected by the speaker of the house of representatives; and
- (4) The reentry coordinator shall serve as an ex officio nonvoting member.

(c) The reentry commission shall meet at least quarterly and members shall serve without compensation, but may be reimbursed for expenses, including travel expenses, that are necessary for the performance of their duties.

(d) The commission shall cease to exist on [~~July 1, 2014.~~] December 1, 2015.”

SECTION 5. Members of the reentry commission appointed pursuant to Act 24, Special Session Laws of Hawaii 2009, shall cease to be members of the reentry commission on June 30, 2012. Beginning July 1, 2012, new members to the reentry commission shall be selected pursuant to section 4 of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2012.

(Approved April 26, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.