

ACT 16

S.B. NO. 913

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 an estimated 2,700,000 children nationwide have at least one parent that is incarcerated, and studies conducted by the National Fatherhood Initiative show that in terms of negative impacts on children, incarceration may be worse than the death of a parent or the divorce of parents. Even more disheartening is the evidence that children of incarcerated parents are more likely to become incarcerated themselves as teenagers or adults, thus continuing the “cycle of incarceration” that sadly becomes generational in some families.

These statistics have not gone unnoticed by children- and family-serving organizations in Hawaii who have developed mentoring and other types of social services aimed at assisting these children. However, there continues to be major gaps in services for these children because funding for programs aimed at helping them has never been prioritized, largely due to a lack of data to justify the extent of the problem in Hawaii. This is especially true for service providers who are trying to access federal funding that is programmed to assist children and families and break the cycle of incarceration.

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In January 2014, the legislative keiki caucus established a working group to explore the issues surrounding children and families impacted by incarceration. Called the family reunification working group, the group was comprised of representatives from several organizations and service providers and parents of children who have been affected by incarceration. The group established two immediate priorities, one of which was to develop a database of children in Hawaii impacted by incarceration. During the past year, the working group explored various ways to collect the data needed to identify the number and basic demographics of these children and concluded that the fastest and easiest way to collect the essential data was to ask for this data on forms currently used by the department of public safety's corrections division to intake offenders entering the Hawaii corrections system.

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

“§353- Incarcerated parents; data collection. Beginning on July 1, 2016, the department shall collect the following data upon intake of offenders into the correctional system:

- (1) The number of offenders who are parents;
- (2) The number of children under the age of eighteen, per offender who is a parent; and
- (3) Any other information about incarcerated parents and their children that the department deems useful to facilitate the provision of services to incarcerated parents or their children.”

SECTION 3. The department of public safety, in collaboration with the family reunification working group established by the legislative keiki caucus and other stakeholders, shall devise the forms or questions to be asked of offenders upon intake into the correctional system to obtain the information required pursuant to section 2 of this Act. The department of public safety shall also develop a plan for the management of the data collected and public disclosure of the data in accordance with all applicable laws.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved April 23, 2015.)

Note

1. Edited pursuant to HRS §23G-16.5