



GOV. MSG. NO. 1219

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 15, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

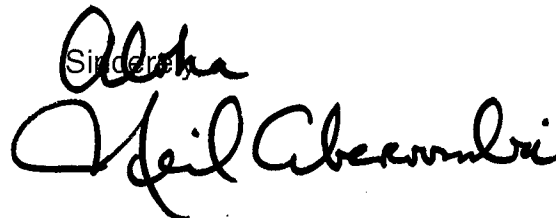
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 15, 2012, the following bill was signed into law:

HB2848 HD3 SD2 CD1

RELATING TO PUBLIC SAFETY.
Act 117 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

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

11 (1) Lead to more serious offenses, which break down family
12 structures spiritually, psychologically, socially, and
13 economically;

14 (2) Create many health hazards and problems; and

15 (3) Lead to other serious problems, such as poverty,
16 homelessness, and a growing dependence on both legal
17 and illegal drugs, which in turn may lead to child



1 abuse, family abuse, sexual abuse, and other serious,
2 life-threatening crimes.

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

20 The legislature further finds that the site formerly used
21 as the Kulani correctional facility in east Hawaii would be an
22 ideal site for such a wellness center. It is a place of deep



1 spirituality for the Hawaiian people and, pragmatically, it has
2 the infrastructure and historical precedent for use in
3 sustainable living.

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



1 The purpose of this Act is to:

- 2 (1) Reduce recidivism, prevent crime, and ensure long-term
3 positive change by developing a plan to create a
4 wellness center that reestablishes highly recognized
5 native Hawaiian cultural practices to restore the
6 overall well-being of persons, families, and the
7 native Hawaiian community; and
- 8 (2) Create a pilot program to allow incarcerated persons
9 on the Big Island to work in the community on
10 community projects that benefit the local community
11 and the State.

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

21 The department of public safety shall submit a report to
22 the legislature on its plan, findings, and recommendations,



1 including the factors used in determining site selection, and
2 any budget requests necessary to achieve the purposes of this
3 Act, no later than twenty days prior to the convening of the
4 regular session of 2013.

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

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

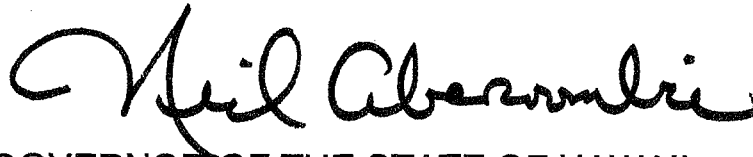
17 (c) The department of public safety may provide for the
18 shelter of incarcerated persons outside of a correctional
19 facility while participating in the work release pilot program
20 on the island of Hawaii.

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



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

APPROVED this 15 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII

