

HB 1776

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _

TESTIMONY ON HOUSE BILL 1776, HD1
RELATING TO PUBLIC ASSISTANCE

by

Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

AND

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Tuesday, March 24, 2009; 2:30PM
State Capitol, Conference Room 016

Senator Chun Oakland, Senator Espero, and Members of both Committees:

The Department of Public Safety (PSD) appreciates the legislature's interest in ensuring that those that are incarcerated, fugitives from justice, those previously found guilty of fraudulent misrepresentation, and/or those that are not in compliance with the terms and conditions of their probation or parole do not receive benefits that they may not be entitled to. As written, House Bill 1776 would require PSD to provide a complete list of all offenders in our custody to the Department of Human Services (DHS) no later than December 31, 2009, and beginning January 31, 2010, provide monthly reports to DHS listing all inmates newly admitted during the previous month to any correctional facility within the State.

The PSD can provide the requested reports electronically to DHS as outlined in this measure. However, PSD does not see the need to codify this matter in statute as a more appropriate means to address this matter would be via a Memorandum of Agreement (MOA) or a Memorandum of Understanding (MOU) between PSD and DHS.

It should be noted that a large portion of the offender population are persons sentenced to jail sentences ranging from 48 hours to as long as 365 days. Therefore, an offender may appear on the initial list and/or a subsequent monthly list, but will not necessarily appear on future monthly lists. It should also be noted that some offenders might be sentenced several times throughout a given year to serve varying short-term jail sentences for petty misdemeanor and misdemeanor offenses.

Therefore, when providing initial list and subsequent monthly list newly incarcerated, it is PSD's intent to also provide the length(s)/period(s) of incarceration if they are known to the Department at the time of submittal. In cases of pre-trial detainees, PSD would have the initial incarceration date, but would not have information regarding the offenders' sentence(s) until after the adjudication process.

With respect to the parole population, some of those arrested for technical violations of the terms and conditions of their parole, may be released back into the community after only very short periods of temporary incarceration. PSD defers further comments/testimony regarding the parole population to the Hawaii Paroling Authority and all comments and/or testimony regarding the probation population to the judiciary.

Thank you for the opportunity to provide testimony on this matter.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 24, 2009

MEMORANDUM

TO: The Honorable Will Espero, Chair
Senate Committee on Public Safety and Military Affairs

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 1776, H.D. 1 - RELATING TO PUBLIC ASSISTANCE**

Hearing: Tuesday, March 24, 2009; 2:30 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 1776, H.D. 1 is to require the Director of Public Safety to transmit monthly reports to the Department of Human Services (DHS) listing all newly admitted inmates during the previous month to a correctional facility. This measure further requires DHS to identify inmates who receive public assistance to enforce the prohibition of inmates from receiving public assistance.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this measure as long as its implementation does not impact nor replace the priorities set forth in the Executive Biennium Budget.

DHS defers to the Department of Public Safety regarding the intent and implementation of this bill.

Thank you for the opportunity to provide comments on this bill.

Testimony for PSM/HMS 3/24/2009 2:30:00 PM HB1776

Conference room: 016

Testifier position: comments only

Testifier will be present: Yes

Submitted by: Maxwell A Cooper

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Submitted on: 3/22/2009

Comments:

HB 1776 does not include the two new shooting ranges for Kauai and West Hawaii proposed in HB980. Please schedule a hearing for House Bill 980.

Mahalo,

Dr. Max Cooper

Director, HRA