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TO: The Honorable Della Au Belatti, Chair
The Honorable Kim Coco Iwamoto, Vice Chair
House Committee on Public Safety

FROM: Mark Patterson, Chair
Hawai'i Correctional System Oversight Commission

SUBJECT: House Bill 2356, Relating to Offender Reentry
Hearing: Wednesday, February 11, 2026; 8:40 a.m.
State Capitol, Room 411

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) submits testimony to **support the intent** of House Bill 2356, relating to offender reentry, which requires the Department of Corrections and Rehabilitation to 1) provide a certificate of suitability for employment to offenders who have satisfied all sentencing and post-release requirements, 2) work with government and private stakeholders to conduct public education regarding the certificates and 3) work with the Department of Defense to increase offenders' eligibility for security clearance in post-release employment.

The Commission recognizes that meaningful employment is a critical factor in reducing recidivism, strengthening families, and improving community safety. The Commission also appreciates that a Certificate of Suitability for Employment could serve as a meaningful tool to improve employment outcomes for formerly incarcerated individual by providing formal recognition of an individual's readiness to work. The certificate has the potential to reduce employer hesitation, counteract stigma associated with criminal history, and expand access to stable, meaningful employment.

The Commission also appreciates that a documented certificate can provide standardized, portable verification of rehabilitative progress, program participation, and employability, helping employers make more informed hiring decisions while supporting individuals in demonstrating their readiness to reenter the workforce. However, the Commission has concerns as to how this bill would be implemented and has the following reservations:

1) Concerns Regarding Section (c)(1): “Fulfilment of sentence and all post-release obligations”

Section (c)(1) assigns responsibilities to the Department of Corrections and Rehabilitation (DCR) that may overlap with or conflict with the statutory role of the Hawaii Paroling Authority (HPA). Under current law, the HPA is responsible for setting, modifying, and monitoring post-release obligations, including parole conditions and compliance. Requiring DCR to verify or certify completion of post-release requirements could create role confusion, duplicative administrative processes, and legal ambiguity regarding agency authority and accountability.

The Commission recommends clarifying that HPA retains primary responsibility for tracking and confirming post-release obligations, and that any role assigned to DCR should be supportive rather than supervisory, in order to maintain clear lines of statutory authority and operational efficiency.

2) Concerns Regarding Section (c)(3): “Successful rehabilitation efforts”

Section (c)(3) requires evidence of “successful rehabilitative efforts.” This standard is vague and undefined, leaving significant discretion in interpretation and enforcement. Without clear criteria, this provision could lead to inconsistent decision-making, inequitable outcomes, and uncertainty for applicants about what qualifies as sufficient rehabilitation. It may unintentionally penalize individuals who have made meaningful progress but lack formal documentation, thereby undermining the bill’s intent to expand access to employment and reduce reentry barriers.

The Commission recommends clarifying or removing this requirement to ensure the certification process remains fair, objective, and aligned with the bill’s goal of promoting successful reintegration.

3) Concerns Regarding Section (c)(4): “Diminished likelihood of recurrence”

The Commission has significant concerns regarding Section (c)(4), which requires evidence demonstrating a “diminished likelihood of recurrence” or reduced risk of recidivism. Predicting or proving a reduced likelihood of future offending is extremely difficult, inherently subjective, and often dependent on factors beyond an individual’s control, including housing stability, employment availability, and community support.

Requiring individuals to meet this standard may create an unrealistic evidentiary burden, setting applicants up for failure despite good-faith rehabilitation efforts. Additionally, this language reinforces risk-based decision-making that may unintentionally penalize people for systemic barriers rather than personal conduct. The Commission therefore recommends removing Section (c)(4) to ensure the bill promotes opportunity rather than creating a potentially unattainable threshold.

4) Concerns Regarding Section (e) “The department shall work with the U.S. Department of Defense to increase the likelihood that eligible offenders will obtain a security clearance post-release if relevant to their employment pursuits”

Section (e) directs the Department of Corrections and Rehabilitation (DCR) to work with the U.S. Department of Defense to improve the likelihood that eligible individuals obtain security clearances post-release. Security clearances are governed by federal law and national security protocols, and the federal government **is** not required to coordinate with or defer to state agencies in these determinations. This provision may therefore create unrealistic expectations, place DCR in a difficult or inappropriate advocacy role, and risk misaligned accountability for decisions that ultimately rest outside state authority.

The Commission recommends reconsidering or narrowing this language to avoid overextending DCR’s role in federal processes beyond its control, while still supporting employment pathways that are realistically attainable.

Lastly, the Commission respectfully notes that Hawaii Correctional Industries, the State’s statutory framework for meaningful work opportunities under HRS Chapter 354D, appears to be limited in its current utilization by the Department, and may benefit from expanded implementation.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.