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## 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 the department of  
2       corrections and rehabilitation oversees eight correctional  
3       facilities throughout the State: Halawa correctional facility,  
4       Waiawa correctional facility, Kulani correctional facility, the  
5       women's community correctional center, Hawaii community  
6       correctional center, Kauai community correctional center, Maui  
7       community correctional center, and Oahu community correctional  
8       center. It also contracts with CoreCivic to transfer and  
9       incarcerate nine hundred thirty-eight male inmates at Saguaro  
10      correctional center in Arizona, despite the availability of open  
11      beds at Waiawa correctional facility and Kulani correctional  
12      facility.

13      The legislature recognizes that some correctional  
14      facilities throughout the State face issues of overcrowding and  
15      understaffing, which threatens the safety and well-being of  
16      incarcerated individuals and corrections staff. As of December



1 2024, there were nine hundred forty-seven individuals  
2 incarcerated at the Oahu community correctional center.

3 The legislature further finds that the department of  
4 corrections and rehabilitation reported that from 2021 to 2023,  
5 approximately thirty to forty per cent of inmates incarcerated  
6 in the State's correctional facilities were homeless immediately  
7 prior to entry, and an even larger percentage exit to  
8 homelessness. The Hawaii correctional system oversight  
9 commission reported that eighty-six per cent of the inmate  
10 population needs substance use treatment at some level, Native  
11 Hawaiians are disproportionately incarcerated, and many in  
12 Hawaii's correctional facilities need mental health services.

13 The legislature further finds that the department of  
14 corrections and rehabilitation, with the support of the  
15 department of accounting and government services, is proposing  
16 to construct a new, expanded one thousand three hundred bed jail  
17 to replace the Oahu community correctional center through a  
18 public-private partnership.

19 The estimated cost to replace the Oahu community  
20 correctional center according to the department of corrections  
21 and rehabilitation's current plans for expansion and



1 construction is \$1,000,000,000. This proposed new jail would  
2 make it the single largest public works project in state history  
3 and does not include the recurring costs of operation. To date,  
4 the department of corrections and rehabilitation has expended  
5 approximately \$25,000,000 on planning consultants, including  
6 public relations professionals on this proposed project.

7 Furthermore, the legislature finds that expenditure of  
8 taxpayer dollars on this proposed project is proceeding even  
9 though the department of corrections and rehabilitation has made  
10 no discernable effort to maintain and repair existing  
11 facilities, including at the Oahu community correctional center.  
12 Moreover, the department of corrections and rehabilitation has  
13 not immediately implemented actionable changes at the Oahu  
14 community correctional center that do not require new  
15 construction, as outlined by the Hawaii correctional system  
16 oversight commission.

17 In addition, the legislature finds that the department of  
18 corrections and rehabilitation should work collaboratively with  
19 justice system partners, beginning on Oahu, to increase  
20 diversion infrastructure to substantially reduce incarceration  
21 levels in the State's jails, address the root causes of



1 individuals' involvement with the criminal legal system, and  
2 decrease pre-trial detention times to six months or less.

3       The legislature further finds that the department of  
4 corrections and rehabilitation has also not provided a full  
5 accounting of how past funding relating to the proposed project  
6 has been spent. Finally, the legislature finds that the  
7 department of corrections and rehabilitation is proceeding with  
8 this project without a current comprehensive systems-wide  
9 approach to master planning. The department of corrections and  
10 rehabilitation is requesting another \$30,000,000 to issue a  
11 request for proposals to replace the Oahu community correctional  
12 facility even though the department's last ten-year master plan  
13 update was completed in 2003. The last report lacked an  
14 analysis of data-driven systems strategies to significantly  
15 reduce the number of individuals who hold pretrial status in the  
16 State's jails and divert those who are houseless, poor, and in  
17 need of mental health care and substance use treatment to the  
18 appropriate service providers.

19       Accordingly, the purpose of this Act is to:

20       (1) Require and appropriate funds for the office of the  
21       auditor to perform a comprehensive forensic audit of



1 the department of corrections and rehabilitation and  
2 department of accounting and general services  
3 regarding spending related to the planning, design,  
4 financing, construction, and maintenance of a new jail  
5 to replace the Oahu community correctional center; and  
6 (2) Require the office of the auditor to submit a report  
7 of its findings and recommendations, including any  
8 proposed legislation, to the legislature.

9 SECTION 2. (a) The office of the auditor shall perform a  
10 comprehensive forensic audit of the department of corrections  
11 and rehabilitation and department of accounting and general  
12 services regarding spending related to the planning, design,  
13 financing, construction, and maintenance of a new jail to  
14 replace the Oahu community correctional center.

15 (b) The forensic audit shall include, at a minimum:

16 (1) A review of accountability measures within the  
17 department of corrections and rehabilitation and  
18 department of accounting and general services related  
19 to the planning of a new jail to replace the Oahu  
20 community correctional center;



- 1           (2) An analysis of the department of corrections and  
2           rehabilitation's budget and whether the expenditure of  
3           funding related to the planning, design, financing,  
4           construction, and maintenance of a new jail to replace  
5           the Oahu community correctional center is in  
6           accordance with the funding's original purpose;
- 7           (3) An examination of the department of corrections and  
8           rehabilitation and department of accounting and  
9           government services' compliance with procurement laws  
10          related to the planning, design, financing,  
11          construction, and maintenance of a new jail to replace  
12          the Oahu community correctional center;
- 13          (4) A list of all contractors and subcontractors; the date  
14          of the contracts; the amount of the contracts; the  
15          scope of the contractors' and subcontractors' duties;  
16          and the completion of the contractors' and  
17          subcontractors' duties related to the proposed  
18          construction of a new jail to replace the Oahu  
19          community correctional center; and
- 20          (5) Any other matters that the office of the auditor deems  
21          necessary or appropriate.



1           (c) The office of the auditor shall submit a report of its  
2 findings and recommendations, including any proposed  
3 legislation, to the legislature no later than twenty days prior  
4 to the convening of the regular session of 2026.

5           SECTION 3. The department of corrections and  
6 rehabilitation and department of accounting and government  
7 services shall fully cooperate with and provide any necessary  
8 assistance to the office of the auditor with respect to the  
9 comprehensive forensic audit and shall respond promptly to all  
10 requests from the office of the auditor, including providing  
11 records and other information requested during the course of the  
12 audit.

13           SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$           or so  
15 much thereof as may be necessary for fiscal year 2025-2026 for  
16 the office of the auditor to perform a comprehensive forensic  
17 audit pursuant to section 2 of this Act.

18           The sum appropriated shall be expended by the office of the  
19 auditor for the purposes of this Act.

20           SECTION 5. This Act shall take effect on July 1, 2025.

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H.B. NO. 1446

INTRODUCED BY: *Phil Cao*

JAN 23 2025





# H.B. NO. 1446

**Report Title:**

Department of Corrections and Rehabilitation; Department of Accounting and General Services; Comprehensive Forensic Audit; Report; Appropriation

**Description:**

Requires the Office of the Auditor to perform a comprehensive forensic audit of the Department of Corrections and Rehabilitation and Department of Accounting and General Services related to the planning, design, financing, construction, and maintenance of a new jail to replace the Oahu Community Correctional Center. Requires a report. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

