
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 SECTION 1. The legislature finds that the State has not
2 built a new prison in nearly two decades. For the past fifteen
3 years, state officials have pursued various plans for adding
4 prison space in Hawaii, ranging from a proposal for a massive
5 new two thousand three hundred bed lockup at Kulani on the Big
6 Island to more modest five hundred bed secure treatment
7 facilities on Oahu. However, rather than building new
8 facilities, the State has been exporting inmates to privately
9 operated mainland prisons since 1995 in lieu of building a new
10 in-state prison.

11 The legislature also finds that prison officials say there
12 simply is no room for Hawaii inmates in local prisons and that
13 it is far cheaper to hold them on the mainland at a rate of \$58
14 per inmate per day compared to \$105 per inmate per day in
15 Hawaii. The State has been paying \$40,000,000 annually for the
16 Corrections Corporation of America to confine about one thousand
17 nine hundred convicts on the mainland. In 2006, the legislature
18 set aside an additional \$12,000,000 to transfer six hundred



1 seventy-six more inmates, boosting that total to more than two
2 thousand five hundred inmates. Those inmates would all be moved
3 to southern Arizona under a plan to consolidate all Hawaii
4 inmates in three Arizona facilities. The new contracts cover
5 three years, with an option for another two.

6 The legislature also finds that, notwithstanding the
7 apparent short term savings realized by transferring inmates to
8 the mainland, the State can no longer afford to postpone the
9 construction of correctional facilities. As overcrowding
10 continues, the State is increasingly vulnerable to charges of
11 civil rights violations and to security risks. Further,
12 placement of Hawaii inmates at mainland prisons has not been
13 problem-free. For example, there have been allegations of
14 sexual assault of female prisoners, denial of timely medical
15 treatment, and civil rights violations. Moreover, the lack of
16 close-by family support, which is an integral part of any
17 successful re-entry into local society, hinders rehabilitation.
18 It has been stated that the rate of recidivism of mainland
19 housed prisoners committing subsequent crimes is ninety per
20 cent, compared to a rate of recidivism of forty-seven to fifty-
21 seven per cent for those imprisoned here.



1 The legislature further finds that a great majority of all
2 prisoners incarcerated by the State have committed crimes
3 relating to drugs or engaged in other crimes to support existing
4 drug and substance-abuse habits. Simple incarceration without
5 treatment will only lead to recidivism and magnify the problem
6 rather than lead to a reduction of the scourge of drug and
7 substance abuse. Although placing Hawaii inmates in mainland
8 prisons is a temporary solution until adequate facilities are
9 built, the State cannot afford to continue this practice
10 indefinitely. It is in the public interest to design and build
11 a new correctional facility to emphasize programs that will
12 address, as a priority, the provision of treatment programs for
13 substance-abuse and mental health treatment.

14 The purpose of this Act is to direct the executive branch
15 to immediately initiate the planning and design process to
16 develop a correctional facility to house fifteen hundred to two
17 thousand inmates and provide intensive drug and substance-abuse
18 and other mental health treatment on a site proposed by the
19 director of public safety.

20 SECTION 2. (a) Within ninety days of the effective date
21 of this Act, the director of public safety shall enter into a
22 contract with a certified or accredited correctional design



1 professional for the planning and preliminary design for a one
2 thousand to one thousand two hundred bed correctional treatment
3 facility. The design professional shall be selected pursuant to
4 section 103D-304. The correctional treatment facility shall be
5 a secure correctional facility designed to provide intensive in-
6 house rehabilitation programs for the treatment of chemical
7 dependency and abuse and other mental health problems.

8 (b) The correctional treatment facility shall be designed
9 to be operated by the State with the ability to provide a total
10 continuum of programs that address education, prevention, and
11 treatment, and are directed at achieving the prevention of drug
12 and substance abuse and the resolution of other mental health
13 problems.

14 (c) By February 1, 2008, the director of public safety
15 shall report to the legislature, including in the report the
16 following:

17 (1) The preliminary design and projected cost of the
18 correctional treatment facility that shall be designed
19 to be accredited by the American Correctional
20 Association;

21 (2) If the facility is to be developed by a private
22 developer, a request for proposals for the private



1 development of the facility for the State on a turn-
2 key basis;

3 (3) A prioritized list of suitable sites, including the
4 undeveloped portion of the Halawa correctional
5 facility site and other public lands and private
6 property, along with the estimated cost of
7 acquisition, the costs for site preparation, and the
8 cost for the provision of all necessary infrastructure
9 to support the proposed facility;

10 (4) A proposal for the financing of the acquisition of the
11 turn-key completed facility, including the use of
12 general obligation bonds, special purpose revenue
13 bonds, tax-exempted project revenue bonds,
14 certificates of participation, or other forms of
15 financing; and

16 (5) Any proposed legislation required for the
17 implementation of the final design, construction,
18 purchase, and operation of the correctional treatment
19 facility.

20 SECTION 3. This Act shall not be construed to prohibit the
21 governor from negotiating or contracting with any person for the



1 development of other in-state correctional facilities pursuant
2 to sections 353-16.35 and 353-16.36, Hawaii Revised Statutes.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$, or so
5 much thereof as may be necessary for fiscal year 2007-2008, for
6 the purposes of this Act.

7 The sum appropriated shall be expended by the department of
8 public safety for the purposes of this Act.

9 SECTION 5. This Act shall take effect on July 1, 2007.

10

INTRODUCED BY: *Karl Abroad*

JAN 18 2007



Report Title:

Correction Facilities; Design and Construction

Description:

Directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility.

