

SB 970

**Hepatitis Prevention, & Support Network of Hawai'i
Prisoner Reintegration and Family Reunification Program**

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February 26, 2009

COMMITTEE ON WAYS AND MEANS

Senator Donna Mercado Kim, Chair

Senator Shan S. Tsutsui, Vice-chair

Friday, February 26, 2009

9:00 am

Conference room 211

SB 970, SD1

RELATING TO COMMITTED PERSONS' ACCOUNTS

AGAINST

My name is Andy Botts, Director of The Hepatitis Network's Prisoner Reintegration Program, and author of *Nightmare In Bangkok*. I don't support this bill for several reasons. First, the issue of garnishment of inmate wages for any reason has been decided in numerous Supreme Court cases in the past, including a recent decision from the Hawaii Supreme Court in *Blaisdell vs Dept of Public Safety*. Passage of this bill circumvents the decision of our high court, which should be the final say, and undermines their capability to function without lawmakers intervening whenever an adverse decision is rendered. Furthermore, if this bill is passed, it will be challenged, paving the way for expensive litigation that will end up in the Hawaii Supreme Court again.

Next, the rationale of instituting a restricted account, under the guise of helping the inmates save money is ludicrous. The meager wages earned from prison work-lines are barely sufficient at best to allow prisoners the opportunity to purchase toiletries and other necessities while incarcerated. To garnish these funds will create additional hardship on the families of the incarcerated, who will be pressed to send additional money during these tough financial times, and/or encourage illegal activities such as gambling, extortion, and drug dealing within the facilities. This would cause disorder to the security of the facilities, which should be the administration's priority.

Andy Botts, Director

Prisoner reintegration program

Author, *Nightmare In Bangkok*

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COMMITTEE ON WAYS AND MEANS

Sen. Sen. Donna Mercado Kim, Chair

Sen. Shan Tsutsui, Vice Chair

Thursday, February 26, 2009

9:00 AM

Room 211

OPPOSITION

SB 970 SD1 - Inmate Accounts

Sent to: WAMTestimony@capitol.hawaii.gov

Aloha Chair Kim, Vice Chair Tsutsui and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 970 SD1 amends section 353-20, HRS, to permit the Director of Public Safety to direct the department to have one or more accounts for committed persons and states that the accounts are non-interest bearing and that no interest can be paid to committed persons on the individual accounts.

This bill comes to the committee because of a lawsuit filed by Hawai'i inmate, Richard Blaisdell, who successfully challenged the inmate accounts set up by the Department of Public Safety. If the tables were turned, we would be hearing that the inmate was just trying to make legal, illegal behavior, but in this case, it is the department that is working to pass a law to legalize their illegal behavior.

When the Senate Public Safety Committee was in Arizona in November 2007, there was a meeting with about 40 men living at Red Rock Correctional Center. The issue of *Restricted Accounts* was raised by several men who are serving life terms. These men wanted to use funds from their Restricted Account to help their families pay their bills.

This is not allowed, except by special, one-time-only request of the Director.

What is interesting about Restricted Accounts, is that Hawai'i individuals ARE allowed to withdraw \$50 at Christmas to buy a Hawai'i goodie basket. They can withdraw money for this and not to help their families??? As an aside, many families and inmates have told me that they stopped buying the baskets when they heard that they were made by a company that is somehow connected to the administrator of PSD's mainland branch, Shari Kimoto. I hope this is not true. If it is, it is a serious breach of ethics.

Mahalo for the opportunity to testify.