

STAND. COM. REP. NO.

271

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 210

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 210 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose of this measure is to clarify the circumstances under which inmates may be transferred between correctional facilities located in Hawaii as well as to correctional facilities located outside of Hawaii.

Testimony in support of this measure was submitted by four private organizations and five private individuals. Testimony in opposition of this measure was submitted by two state agencies. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that there are no applicable statutes that govern the transfer of inmates between facilities within the State or to facilities outside of Hawaii. Your Committee also finds that a uniform protocol or set of standards need to be established to guide the Department of Public Safety in complying with inmate transfers in a satisfactory and efficient manner. Your Committee further finds that providing the Director of Public Safety with the discretion or flexibility in proceeding with inmate transfers would be in the best interests of the State and the inmates being transferred.

Your Committee has amended this measure by:

2009-1262 SSCR SMA.doc



- (1) Deleting the fourteen day notice requirement to a committed felon prior to their transfer;
- (2) Deleting the criteria relating to regularly participating in parent-teacher conferences;
- (3) Deleting the criteria relating to a minimum of six contacts by the committed felon with their child prior to the proposed transfer;
- (4) Amending the definition of "child" by deleting the reference to a hanai child;
- (5) Deleting the right of a committed felon to appeal their transfer decision; and
- (6) Making a technical, nonsubstantive amendment for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 210, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 210, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Military Affairs,



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WILL ESPERO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 210</b>	Committee Referral: <b>PSM, WAM</b>	Date: <b>2-16-09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	<input checked="" type="checkbox"/>			
BUNDA, Robert (VC)	<input checked="" type="checkbox"/>			
ENGLISH, J. Kalani		<input checked="" type="checkbox"/>		
GABBARD, Mike				<input checked="" type="checkbox"/>
GALUTERIA, Brickwood				<input checked="" type="checkbox"/>
KIDANI, Michelle N.	<input checked="" type="checkbox"/>			
HEMMINGS, Fred	<input checked="" type="checkbox"/>			
<b>TOTAL</b>	<b>4</b>	<b>1</b>		<b>2</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: 				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**