
A BILL FOR AN ACT

RELATING TO THE PHASEOUT OF PRIVATE CORRECTIONAL FACILITIES.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§353- Construction and expansion of correctional
5 facilities; input and recommendations of Hawaii correctional
6 system oversight commission required. (a) No new correctional
7 facility shall be constructed and no existing correctional
8 facility shall be expanded unless:

9 (1) The department first obtains input on and
10 recommendations from the Hawaii correctional system
11 oversight commission on any master plan for the
12 facility; and

13 (2) The input and recommendations from the Hawaii
14 correctional system oversight commission are included
15 in any environmental impact statement on the project.

16 (b) To facilitate the input and recommendations of the
17 Hawaii correctional system oversight commission as provided in



1 subsection (a), the department shall submit the following
2 information to the Hawaii correctional system oversight
3 commission upon the commission's request:

4 (1) The proposed maximum inmate population of the
5 facility;

6 (2) Any programs proposed for the facility, including
7 reentry programs, facility educational and treatment
8 programs, rehabilitative services, work furloughs, and
9 parole services; and

10 (3) Any other relevant information required by the
11 commission as established by rules adopted pursuant to
12 chapter 91."

13 SECTION 2. Section 353L-3, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The commission shall:

16 (1) Oversee the State's correctional system and have
17 jurisdiction over investigating complaints at
18 correctional facilities and facilitating a
19 correctional system transition to a rehabilitative and
20 therapeutic model;



1 (2) Establish maximum inmate population limits for each
2 correctional facility and formulate policies and
3 procedures to prevent the inmate population from
4 exceeding the capacity of each correctional facility;

5 (3) Consult with the department of public safety on the
6 planning of any new or expanded correctional facility
7 in the State, and provide input and recommendations on
8 any master plan for the facility, for inclusion in any
9 environmental impact statement on the project, as
10 provided in section 353- ;

11 [~~3~~] (4) Work with the department of public safety in
12 monitoring and reviewing the comprehensive offender
13 reentry program, including facility educational and
14 treatment programs, rehabilitative services, work
15 furloughs, and the Hawaii paroling authority's
16 oversight of parolees. The commission may make
17 recommendations to the department of public safety,
18 the Hawaii paroling authority, and the legislature
19 regarding reentry and parole services; [~~and~~]

20 [~~4~~] (5) Ensure that the comprehensive offender reentry
21 system under chapter 353H is working properly to



1 provide programs and services that result in the
2 timely release of inmates on parole when the maximum
3 terms have been served instead of delaying the release
4 for lack of programs and services[-]; and

5 (6) Create a comprehensive plan to phase out private
6 correctional institutions by . The commission
7 shall seek input from the department of the attorney
8 general, office of the prosecuting attorney, office of
9 the public defender, judiciary, and department of
10 public safety in creating the plan. A report
11 transmitting the plan, including any proposed
12 legislation, shall be submitted to the legislature no
13 later than twenty days prior to the convening of the
14 regular session of . For the purposes of this
15 subsection, "private correctional institution"
16 includes any facility:

17 (A) Owned by the State and operated by a non-
18 governmental entity; or

19 (B) Operated under a public-private partnership.



1 To achieve these ends, the commission shall authorize the
2 oversight coordinator to adopt rules in accordance with
3 chapter 91."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 3050.



Report Title:

Corrections; Private Prisons; Phase-out; Hawaii Correctional System Oversight Commission

Description:

Requires the Hawaii correctional oversight commission to create a comprehensive plan to phase out the use of private correctional institutions. Prohibits the construction of new correctional facilities and the expansion of existing correctional facilities without first obtaining input and recommendations of the Hawaii correctional system oversight commission. Effective 7/1/3050. (HD1)

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

