

STAND. COM. REP. NO.

1093

Honolulu, Hawaii

, 2021

MAR 19

RE: S.B. No. 744

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred S.B. No. 744, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Repeal the authorization for the Governor to negotiate with any person for the development or expansion of private in-state correctional facilities; and
- (2) Affirmatively prohibit the establishment of a private correctional facility within the State.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Community Alliance on Prisons; United Public Workers, AFSCME Local 646, AFL-CIO; American Civil Liberties Union of Hawai'i; and ten individuals. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that currently there are no private prisons being operated in the State despite the Governor's existing authority to negotiate for their development. Your

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Committee further finds that private prisons lack the transparency, accountability, programs, protocols, and oversight mechanisms of facilities operated by the Department of Public Safety. Your Committee also finds that repealing the authority of the Governor to negotiate for the development of private in-state correctional facilities is consistent with the measure's affirmative prohibition against the establishment of private correctional facilities within the State.

Your Committee has amended this measure by:

- (1) Repealing the Governor's authority to enter into a contract for a private entity to lease or purchase a correctional facility it constructs and requiring that such a privately constructed facility be operated by the Department of Public Safety; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 744, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 744, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



