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## A BILL FOR AN ACT

RELATING TO OUT-OF-STATE CORRECTIONAL FACILITIES.

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

1 SECTION 1. Section 353-16.3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§353-16.3 Development of out-of-state Hawaii correctional**  
4 **facilities.** Notwithstanding any other provision to the  
5 contrary, the governor, with the assistance of the director, may  
6 negotiate with any appropriate out-of-state jurisdiction for the  
7 development of Hawaii correctional facilities to reduce prison  
8 overcrowding; provided that any agreement negotiated pursuant to  
9 this section shall [~~be~~]:

10 (1) Be subject to legislative approval by concurrent  
11 resolution in any regular or special session[-]; and

12 (2) After July 1, 2022, include the following provisions:

13 (A) Language requiring the department to pay the full  
14 contracted per-diem per inmate payment up to the  
15 date when the the inmate has served the minimum  
16 term of imprisonment and is eligible for parole  
17 and pay fifty per cent of the contracted per-diem



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1           per inmate payment from the date the inmate has  
2           served the minimum term of imprisonment and is  
3           eligible for parole until the inmate is  
4           transferred back to the department; and  
5           (B) The requirement that out-of-state facilities be  
6           held to the same standards of care, health, and  
7           safety policies adopted by the department for in-  
8           state facilities, including policies and  
9           procedures for appeal for restricted confinement  
10           practices, including administrative segregation,  
11           disciplinary segregation, and all types of  
12           segregation of inmates from the general  
13           population."

14           SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 3. This Act shall take effect on July 1, 2022.

17

INTRODUCED BY:



JAN 21 2022



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**Report Title:**

Out-of-State Correctional Facilities; Compensation; Standards of Care

**Description:**

Beginning July 1, 2022, requires all new or renewed contract agreements with out-of-state correctional facilities to include provisions modifying the per-diem-per-inmate compensation rate to drop from the full contracted rate to fifty per cent of the contracted rate once the inmate has served the minimum term and requiring all out-of-state facilities to adhere to the same standards of care as in-state facilities, including standards related to segregation of inmates.

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

