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# A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1           SECTION 1. The legislature finds that Act 179, Session  
2 Laws of Hawaii 2019, established the Hawaii correctional system  
3 oversight commission to ensure transparency in the State's  
4 correctional system; support safe conditions for employees,  
5 inmates, and detainees; and provide positive reform towards a  
6 rehabilitative and therapeutic correctional system. The  
7 commission is responsible for overseeing the State's  
8 correctional system, establishing maximum inmate population  
9 limits for each correctional facility and monitoring crucial  
10 reentry programs, facility educational and treatment programs,  
11 rehabilitative services, work furloughs, and parole services.  
12 Since its inception, the commission has played a leading role in  
13 ensuring the health and safety of inmates and addressing the  
14 department of public safety's coronavirus disease 2019 response,  
15 despite being unable to hire any staff for the first three years  
16 of its existence.



1           The Hawaii correctional system oversight commission has  
2 also been diligently scrutinizing the department of public  
3 safety's plans to construct a new correctional facility in the  
4 city and county of Honolulu. During this process, the  
5 commission noted that despite the project's large costs, plans  
6 had been developed without meaningful input or guidance from the  
7 community and the facility planners had failed to identify  
8 factors driving the State's correctional facility population.  
9 The commission also concluded that, due to changes in  
10 circumstances as well as reformed criminal pretrial and  
11 sentencing practices, many of the assumptions made at the time  
12 the facility's environmental impact statement was written have  
13 changed. The commission recommended that planning for the new  
14 correctional facility be paused so that additional review and  
15 crucial planning could be conducted.

16           The commission has also been closely monitoring other  
17 correctional facilities throughout the State. For example, the  
18 commission recently highlighted extensive problems at the Hawaii  
19 community correctional center in the county of Hawaii, including  
20 severe overcrowding, major safety and security issues, and a  
21 lack of programs and basic services. Specifically, the



1 commission observed inmates being held in units with broken  
2 security locks and no plumbing or source of natural light. Some  
3 of these issues may also violate federal detention standards.  
4 Accordingly, the commission noted the need for immediate  
5 facility and infrastructure improvements at the facility.

6 The legislature finds that many of Hawaii's correctional  
7 facilities, including the Hawaii community correctional facility  
8 and Oahu community correctional facility, are dilapidated and  
9 outdated. The conditions in these facilities are so severe that  
10 the health and safety of inmates and corrections staff are  
11 threatened, creating potential liability issues for the State.

12 Therefore, the legislature believes that planning for new  
13 or renovated correctional facilities in every county must begin  
14 now. Because the Hawaii correctional system oversight  
15 commission has a vital role in oversight and the establishment  
16 of correctional policy, the legislature believes it is logical  
17 that the commission be included in the planning process.

18 Including the commission in the planning process will also help  
19 to avoid the issues that have plagued efforts to build a new  
20 Oahu community correctional facility.



1           Accordingly, the purpose of this Act is to:

2           (1)   Require the Hawaii correctional system oversight  
3                commission to oversee and have the authority to  
4                approve or disapprove the development or expansion of  
5                any new or existing correctional facility;

6           (2)   Prohibit moneys for construction or other capital  
7                expenditures from being:

8                (A)   Requested in the executive budget process; or

9                (B)   Expended,

10           unless the project has been approved by the Hawaii  
11           correctional system oversight commission;

12           (3)   Appropriate moneys to and authorize staff positions  
13                for the Hawaii correctional system oversight  
14                commission to perform these expanded oversight duties;  
15                and

16           (4)   Appropriate moneys to the department of public safety  
17                to begin planning new or redeveloped correctional  
18                facilities in each county.

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



1        "§353-        Construction and development of new correctional  
2 facilities; approval of Hawaii correctional system oversight  
3 commission required. (a) The Hawaii correctional system  
4 oversight commission shall oversee and have the authority to  
5 approve or disapprove the development or expansion of any new or  
6 existing correctional facility.

7        (b) No moneys for construction costs or other capital  
8 expenditures shall be:

9        (1) Requested from the legislature pursuant to part IV of  
10        chapter 37; or

11        (2) Expended,  
12 for the purchase, construction, reconstruction, improvement,  
13 expansion, extension, or enlargement of a new or existing  
14 correctional facility unless the purchase, construction,  
15 reconstruction, improvement, expansion, extension, or  
16 enlargement has been approved by the Hawaii correctional system  
17 oversight commission.

18        (c) To facilitate the oversight and approval or  
19 disapproval of a proposed new or expanded correctional facility  
20 as provided in subsection (a), the department shall provide any  
21 relevant information about the proposed project to the Hawaii



1 correctional system oversight commission upon the commission's  
2 request.

3 (d) As used in this section, the terms "capital  
4 expenditures" and "construction costs" have the same meaning as  
5 in section 37-62."

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

8 "(b) The commission shall:

9 (1) Oversee the State's correctional system and have  
10 jurisdiction over investigating complaints at  
11 correctional facilities and facilitating a  
12 correctional system transition to a rehabilitative and  
13 therapeutic model;

14 (2) Establish maximum inmate population limits for each  
15 correctional facility and formulate policies and  
16 procedures to prevent the inmate population from  
17 exceeding the capacity of each correctional facility;

18 (3) Oversee the proposed purchase, construction,  
19 reconstruction, improvement, expansion, extension, or  
20 enlargement of a new or existing correctional



1 facility, and approve or disapprove those proposed  
2 plans, as provided in section 353- ;

3 [~~3~~] (4) Work with the department of public safety in  
4 monitoring and reviewing the comprehensive offender  
5 reentry program, including facility educational and  
6 treatment programs, rehabilitative services, work  
7 furloughs, and the Hawaii paroling authority's  
8 oversight of parolees. The commission may make  
9 recommendations to the department of public safety,  
10 the Hawaii paroling authority, and the legislature  
11 regarding reentry and parole services; and

12 [~~4~~] (5) Ensure that the comprehensive offender reentry  
13 system under chapter 353H is working properly to  
14 provide programs and services that result in the  
15 timely release of inmates on parole when the minimum  
16 terms have been served instead of delaying the release  
17 for lack of programs and services.

18 To achieve these ends, the commission shall authorize the  
19 oversight coordinator to adopt rules in accordance with  
20 chapter 91."



1 SECTION 4. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ or so  
 3 much thereof as may be necessary for fiscal year 2023-2024 and  
 4 the same sum or so much thereof as may be necessary for fiscal  
 5 year 2024-2025 for the Hawaii correctional system oversight  
 6 commission to:

7 (1) Oversee the development or expansion of new or  
 8 existing correctional systems pursuant to this Act;  
 9 and

10 (2) Establish full-time equivalent ( FTE)  
 11 permanent positions necessary to perform the functions  
 12 established by this Act.

13 The sums appropriated shall be expended by the Hawaii  
 14 correctional system oversight commission for the purposes of  
 15 this Act.

16 SECTION 5. There is appropriated out of the general  
 17 revenues of the State of Hawaii the sum of \$ or so  
 18 much thereof as may be necessary for fiscal year 2023-2024 for  
 19 the department of public safety or successor agency to plan new  
 20 or redeveloped correctional facilities in each county; provided  
 21 that the Hawaii correctional system oversight commission shall





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1 be consulted in and provide oversight over the planning and  
2 design process.

3 The sum appropriated shall be expended by the department of  
4 public safety or successor agency for the purposes of this Act.

5 SECTION 6. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on July 1, 2023;  
8 provided that the amendments to section 353L-3, Hawaii Revised  
9 Statutes, in section 3 of this Act shall not be repealed when  
10 amendments to that section are enacted on January 1, 2024,  
11 pursuant to Act 278, Session Laws of Hawaii 2022.

12

INTRODUCED BY:  \_\_\_\_\_  
JAN 23 2023



# H.B. NO. 861

**Report Title:**

Corrections; Hawaii Correctional System Oversight Commission;  
DPS; Correctional Facilities; Appropriations

**Description:**

Requires the Hawaii Correctional System Oversight Commission to oversee the development or expansion of new or existing correctional facilities. Prohibits moneys for construction or other capital expenditures from being requested in the executive budget process or expended unless the Hawaii Correctional System Oversight Commission has approved the project. Appropriates moneys to and authorizes staff positions for the Hawaii Correctional System Oversight Commission to perform expanded oversight duties. Appropriates moneys to the Department of Public Safety to begin planning new or redeveloped correctional facilities in each county.

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

