
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 SECTION 1. The legislature finds that Hawaii's long-
2 standing reliance on incarceration, including the use of
3 private, for-profit correctional facilities located outside the
4 State, has caused significant harm to incarcerated persons,
5 their families, and communities. The practice of transferring
6 Hawaii inmates to the continental United States separates
7 individuals from their ohana, culture, and support systems;
8 undermines rehabilitation; and creates barriers to successful
9 reentry. Findings of the House Concurrent Resolution No. 85
10 task force (task force) concluded that mass incarceration has
11 not improved public safety, imposes high fiscal and social
12 costs, and fails to address the underlying causes of criminal
13 behavior.

14 The legislature further finds that the continued use of
15 out-of-state private prisons weakens accountability, limits
16 transparency, and prioritizes cost containment over
17 rehabilitation and public safety. Reports and community



1 testimony demonstrate that incarceration far from home increases
2 trauma, disrupts family unity, and contributes to higher rates
3 of recidivism. Consistent with the task force's
4 recommendations, Hawaii must transition toward a corrections
5 system that emphasizes treatment, rehabilitation, and community-
6 based alternatives rooted in evidence-based and culturally
7 responsive practices.

8 The legislature recognizes that Native Hawaiians and other
9 disproportionately affected communities are overrepresented at
10 every stage of Hawaii's criminal legal system and are more
11 likely to experience incarceration, extended confinement, and
12 out-of-state exile. These disparities reflect historical,
13 structural, and systemic inequities, including the erosion of
14 land, culture, and self-determination. The separation of Native
15 Hawaiian inmates from their 'aina, language, and cultural
16 practices further compounds intergenerational harm. Addressing
17 mass incarceration and ending the use of private, out-of-state
18 prisons is necessary to advance racial equity; honor Hawaii's
19 constitutional commitments; and promote healing, justice, and
20 community well-being.



1 Therefore, the purpose of this Act is to require the
2 director of corrections and rehabilitation to incrementally
3 return committed felons incarcerated in private, out-of-state
4 correctional institutions to in-state correctional facilities.

5 SECTION 2. Section 353-16.2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§353-16.2 Transfer of inmates to out-of-state**

8 **institutions.** (a) The director may effect the transfer of a
9 committed felon to any correctional institution located in
10 another state regardless of whether the state is a member of the
11 Western Interstate Corrections Compact; provided that the
12 institution is in compliance with appropriate health, safety,
13 and sanitation codes of the state, provides a level of program
14 activity for the inmate that is suitable, and is operated by
15 that state, by any of its political subdivisions, or by a
16 private institution; [~~and~~] provided further that the transfer is
17 either:

18 (1) In the interest of the security[~~7~~] or management of
19 the correctional institution where the inmate is
20 presently placed, or the reduction of prison
21 overcrowding; or



1 (2) In the interest of the inmate[-];
2 provided further that beginning on July 1, 2029, the director
3 shall return twenty-five per cent of the number of committed
4 felons incarcerated in private, out-of-state correctional
5 institutions as of July 1, 2029, to in-state correctional
6 facilities; provided further that beginning on July 1, 2031, and
7 each year thereafter, the director shall return a number of
8 committed felons equal to five per cent of the number of
9 committed felons incarcerated in private, out-of-state
10 correctional institutions as of July 1 of that year to in-state
11 correctional facilities.

12 As used in this subsection, "private, out-of-state
13 correctional institution" includes any correctional institution
14 outside the State operated for profit or under a public-private
15 partnership.

16 (b) Terms and conditions of the transfer and any
17 reimbursement for expenses shall be agreed upon between the
18 department and the out-of-state correctional institution prior
19 to transfer.

20 (c) The department shall submit a report to the
21 legislature no later than twenty days prior to the convening of



1 the regular session of 2027 and each regular session thereafter
2 on its actions and progress in effectuating the return of the
3 number of committed felons incarcerated in private, out-of-state
4 correctional institutions to in-state correctional facilities,
5 as required by subsection (a)."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Corrections; Private, Out-of-state Prisons; Return to In-state Correctional Facilities; Reports

Description:

Requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities. Requires reports to the Legislature. Effective 7/1/3000. (HD2)

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