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# 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, the State 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 the State'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 the State'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[~~r~~] 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, 2027, the director  
3 shall return five per cent of the number of committed felons  
4 incarcerated in private, out-of-state correctional institutions  
5 as of July 1, 2027, to in-state correctional facilities;  
6 provided further that beginning on July 1, 2028, the director  
7 shall return ten per cent of the number of committed felons  
8 incarcerated in private, out-of-state correctional institutions  
9 as of July 1, 2028, to in-state correctional facilities;  
10 provided further that beginning on July 1, 2029, the director  
11 shall return fifteen per cent of the number of committed felons  
12 incarcerated in private, out-of-state correctional institutions  
13 as of July 1, 2029, to in-state correctional facilities;  
14 provided further that beginning on July 1, 2031, and each year  
15 thereafter, the director shall return a number of committed  
16 felons equal to five per cent of the number of committed felons  
17 incarcerated in private, out-of-state correctional institutions  
18 as of July 1 of that year to in-state correctional facilities.

19           As used in this subsection, "private, out-of-state  
20 correctional institution" includes any correctional institution



1 outside the State operated for profit or under a public-private  
2 partnership.

3 (b) Terms and conditions of the transfer and any  
4 reimbursement for expenses shall be agreed upon between the  
5 department and the out-of-state correctional institution prior  
6 to transfer.

7 (c) The department shall submit a report to the  
8 legislature no later than twenty days prior to the convening of  
9 the regular session of 2027 and each regular session thereafter  
10 on its actions and progress in effectuating the return of the  
11 number of committed felons incarcerated in private, out-of-state  
12 correctional institutions to in-state correctional facilities,  
13 as required by subsection (a)."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 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. (SD1)

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

