

Honolulu, Hawaii

FEB 20 , 2026

RE: H.B. No. 1769
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Public Safety, to which was referred H.B. No. 1769 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Director of Corrections and Rehabilitation to incrementally reduce the number of committed felons incarcerated in private, out-of-state correctional institutions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Hawai'i Correctional System Oversight Commission; American Civil Liberties Union of Hawai'i; Hawai'i Friends of Restorative Justice; Community Alliance on Prisons; 'Eko Lu Mea Nui; and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Corrections and Rehabilitation and one individual.

Your Committee finds that incarcerating individuals in custody in private, out-of-state correctional institutions presents significant challenges and risks that make the practice ineffective and harmful. First, it separates individuals from their families, legal support, and community connections, which are critical for emotional well-being, rehabilitation, and successful reintegration. This isolation can exacerbate mental



health issues and increase the likelihood of recidivism. Second, out-of-state facilities often operate under different regulatory and oversight standards, reducing transparency and accountability and possibly leading to inconsistent care, inadequate medical and mental health services, and higher vulnerability for abuse or neglect. Private, out-of-state correctional institutions also have their own policies and procedures that may not align with those of the Department of Corrections and Rehabilitation. Third, private facilities are driven by profit motives, which can create perverse incentives to cut costs at the expense of safety, programming, and humane conditions. This measure seeks to reduce the number of individuals incarcerated in private, out-of-state correctional institutions.

Your Committee has amended this measure by:

- (1) Beginning on July 1, 2029, requiring the Director of Corrections and Rehabilitation to return twenty-five percent of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities;
- (2) Beginning on July 1, 2031, requiring the Director of Corrections and Rehabilitation to annually return five percent of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities in that year;
- (3) Updating the reporting requirements;
- (4) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider whether or not the incremental return of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities must be tied to the construction of new correctional facilities in Hawaii.



Your Committee also notes that another matter that should be considered is the Department of Corrections and Rehabilitation's existing system for classifying the security status identification of incarcerated individuals. The existing classification system has been described as not clear, transparent, consistent, or reviewable, leading to additional problems within the corrections system.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1769, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1769, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



DELLA AU BELATTI, Chair



