

STAND. COM. REP. NO. 3290

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 1769
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Public Safety and Military Affairs, to which was referred H.B. No. 1769, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities; and
- (2) Require reports to the Legislature.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Office of Hawaiian Affairs, Hawaii Correctional System Oversight Commission, one member of the Hawaii County Council, Community Alliance on Prisons, Imua Alliance, Aloha Independent Living Hawaii, 'Ekolu Mea Nui, Hawai'i Friends of Restorative Justice, Ali'i Pauahi Hawaiian Civic Club, Drug Policy Forum of Hawai'i, Hawai'i Community Safety Coalition, and forty-two individuals.

Your Committee received testimony in opposition to this measure from the Department of Corrections and Rehabilitation.



Your Committee received comments on this measure from ACLU Hawai'i.

Your Committee finds that the practice of transferring state residents to private prisons on the continental United States separates individuals from their families, culture, legal counsel, and support systems, which undermines rehabilitation and creates significant barriers to successful reentry. The Department of Corrections and Rehabilitation contracts with and houses incarcerated individuals at the Saguaro Correctional Center in Arizona, a for-profit private prison. The physical distance alone makes in-person visitation, attorney communication, and family engagement exceptionally difficult and cost-prohibitive. These disruptions weaken critical social supports that research consistently demonstrates are essential to rehabilitation and reduced recidivism.

Your Committee further finds that out-of-state incarceration also erodes accountability and transparency. Contracting with private, for-profit prisons monetizes incarceration and shifts core governmental responsibilities to entities whose financial incentives are misaligned with rehabilitation and public safety. Limited oversight creates risk that cost containment may occur through reduced staffing levels, diminished medical and mental health services, fewer educational and rehabilitative programs, and substandard living conditions. These conditions are directly linked to instability and poorer long-term outcomes. This measure addresses concerns regarding conditions and accountability in out-of-state correctional facilities by requiring the Director of Corrections and Rehabilitation to incrementally return committed felons to in-state correctional facilities.

Your Committee has amended this measure by:

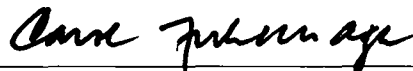
- (1) Requiring the Director of Corrections and Rehabilitation to:
 - (A) Return five percent of committed felons incarcerated in private, out-of-state correctional facilities beginning July 1, 2027;



- (B) Return ten percent of committed felons incarcerated in private, out-of-state correctional facilities beginning July 1, 2028; and
 - (C) Return fifteen percent, rather than twenty-five percent, of committed felons incarcerated in private, out-of-state correctional facilities beginning July 1, 2029; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1769, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1769, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,



CAROL FUKUNAGA, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* HB1769 HD2	Committee Referral: PSM, WAM	Date: 3/25/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
LEE, Chris (VC)	✓			
HASHIMOTO, Troy N.				✓
INOUYE, Lorraine R.				✓
DECORTE, Samantha	✓			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes