

ACT 267

S.B. NO. 2900

A Bill for an Act Relating to the Authority to Transfer Hawaii State Inmates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§353- Transfer of inmates to out-of-state Hawaii correctional facilities.** (a) The director may transfer any Hawaii inmate to any out-of-state correctional facility that:

- (1) Has been developed on land owned or leased by the State utilizing public funds; and

(2) Is under the direct supervision of department personnel and meets department standards for Hawaii correctional facilities.

(b) Notwithstanding any other provision to the contrary, the governor, with the assistance of the director, is authorized to negotiate with any appropriate out-of-state jurisdiction for the development of Hawaii correctional facilities to carry out the purpose of subsection (a); provided that any agreement negotiated pursuant to this subsection shall be subject to legislative approval by concurrent resolution in any regular or special session.”

SECTION 2. Section 353-16, Hawaii Revised Statutes, is amended to read as follows:

**“§353-16 Transfer of committed felon to federal institution.** The director[, with the approval of the governor, shall] may effect the transfer of a committed felon to any federal correctional institution for imprisonment, subsistence, care, and proper employment of such a felon.”

SECTION 3. Section 353-16.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director[, with the approval of the governor,] may effect the transfer of a committed felon to any out-of-state correctional institution located in a state which is not a member of the Western Interstate Corrections Compact if it is in the interest of the security or good management of the state correctional facility where the inmate is presently placed or in the interest of the inmate.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 18, 1992.)

**Note**

1. Edited pursuant to HRS §23G-16.5.