

ACT 343

S.B. NO. 1752

A Bill for an Act Relating to the Corrections Population Management Commission.

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

SECTION 1. Findings and purpose. The legislature finds that:

- (1) For many years, the State of Hawaii has had difficulty in managing the size of its corrections population. There have been more persons committed or detained in correctional facilities than there is bedspace to accommodate them.
- (2) Overcrowding was a major cause of the 1985 lawsuit which resulted in a consent decree governing conditions at the Oahu community correctional center (OCCC) and the women's community correctional center (WCCC). Continued overcrowding is the primary reason why the State is unable to satisfy the requirements of the consent decree, and is the most significant obstacle to resolution of the litigation.
- (3) A permanent solution to overcrowding must be established to terminate federal court supervision of OCCC and WCCC, to prevent future litigation, and to enable the department of public safety to more effectively operate its facilities.
- (4) Although the department of public safety is responsible for the operation of correctional facilities, it cannot, by itself, resolve the problem of overcrowding. The department has no control over admission of inmates into its facilities and has only limited control over their release.
- (5) A permanent solution to overcrowding requires the participation, cooperation, and commitment of all three branches of government and of all criminal justice agencies in the State.

The purpose of this Act is to establish a corrections population management commission which shall develop mechanisms to prevent inmate populations from exceeding the capacity of the correctional facilities.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
CORRECTIONS POPULATION MANAGEMENT COMMISSION**

§ -1 Corrections population management commission established.

There is established a corrections population management commission, hereinafter referred to as the commission, to be attached administratively to the department of public safety. The objective of the commission shall be to establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

§ -2 Maximum inmate populations; guidelines.

The commission shall establish for each correctional facility, maximum inmate population limits which may be enforced by the director of public safety. Population limits shall be established pursuant to guidelines adopted by the commission, which guidelines may be adopted without regard to the requirements of chapter 91. The guidelines shall ensure the safety of the public.

§ -3 **Recommendations.** The commission shall recommend to the appropriate authorities, cost-effective mechanisms, legislation, and policies to prevent the inmate population from exceeding the limits established pursuant to section

-2. These recommendations shall include estimates of fiscal impact. In addition, the commission shall consider and make recommendations on the following to the appropriate authorities:

- (1) Strategies for the management of projected growth in the inmate population;
- (2) Bail and other pretrial release programs;
- (3) Legislation relating to sentencing;
- (4) Judicial sentencing policies;
- (5) Intermediate punishments and other alternatives to incarceration;
- (6) Probation programs;
- (7) Inmate classification systems;
- (8) Reintegration and treatment programs for inmates;
- (9) Paroling policies and supervision programs; and
- (10) Future construction of correctional facilities.

§ -4 **Composition; expenses.** (a) The corrections population management commission shall consist of eight members. The state attorney general, the director of public safety, the prosecuting attorney of the city and county of Honolulu, the state public defender, and the chairperson of the Hawaii paroling authority, or their designated representatives, shall be members of the commission. Additionally, the chief justice of the Hawaii supreme court shall appoint a judge as a member of the commission. Finally, one member each shall be appointed by the president of the senate and the speaker of the house of representatives.

(b) The members of the commission shall serve without compensation but shall be reimbursed for expenses necessary in the performance of their duties.

(c) The governor shall appoint the chairperson of the commission from among its members.

§ -5 **Annual report.** The commission shall submit to the legislature, not fewer than twenty days prior to the convening of each regular session, an annual report of its activities and of its recommended legislative proposals.

§ -6 **Executive secretary; staff.** The department of public safety shall appoint an executive secretary and additional staff as necessary to carry out the functions of the commission. All staff shall be appointed without regard to chapters 76 and 77."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$83,882, or so much thereof as may be necessary for fiscal year 1993-1994 and the sum of \$72,782, or so much thereof as may be necessary for fiscal year 1994-1995, to carry out the intent and purpose of this Act.

The sums appropriated shall be expended by the department of public safety.

SECTION 4. This Act shall take effect upon its approval; provided that section 3 shall take effect on July 1, 1993.

(Approved June 30, 1993.)