

ACT 170

H.B. NO. 149

A Bill for an Act Relating to Public Safety.

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

SECTION 1. The purposes of this Act are to require the department of public safety to implement all elements of a model system for managing its security staff, to improve management of correctional industries employees, and to provide the department greater flexibility with regard to the transfer of inmates out-of-state and the development of out-of-state Hawaii correctional facilities.

SECTION 2. The department shall mount a continuing and broad effort to implement all elements of a security management model. In doing so, the department shall:

- (1) Develop formal policies and procedures;
- (2) Carefully evaluate each post and position at correctional facilities for both need and priority;
- (3) Conduct an overall review of institutional post orders;
- (4) Take steps to assure that leave schedules are followed to the extent practicable;
- (5) Develop a system for monitoring and auditing security staffing performance; and
- (6) Develop a system to manage overtime problems, including improper, inconsistent, and inaccurate recording of sick leave, at correctional facilities.

SECTION 3. Chapter 354D, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

“§354D- Annual report. The department shall submit to the legislature an annual report at least twenty days prior to the convening of each regular session which shall include:

- (1) A listing by position number and title of all positions established under section 354D-3;
- (2) The salaries paid to the employees in these positions;
- (3) A description of the duties and responsibilities of each employee; and

(4) The usual work site of each employee.”

SECTION 4. Section 353-16.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director may effect the transfer of a committed felon to any correctional institution located in another state regardless of whether the state is a member of the Western Interstate Corrections Compact; provided that the institution is in compliance with the standards of the American Correctional Association, and operated either by that state or by a private institution; and provided further that the transfer is either:

- (1) In the interest of the security [or good], management [of the state correctional facility where the inmate is presently placed;], or the reduction of prison overcrowding; or
- (2) In the interest of the inmate.

All transfers authorized pursuant to this subsection shall be in accordance with rules adopted by the director pursuant to chapter 91.”

SECTION 5. Section 353-16.3, Hawaii Revised Statutes, is amended to read as follows:

“**[~~§~~353-16.3] Transfer of inmates to Development of 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] may negotiate with any appropriate out-of-state jurisdiction for the development of Hawaii correctional facilities to [carry out the purpose of subsection (a);] reduce prison overcrowding; provided that any agreement negotiated pursuant to this [subsection] section shall be subject to legislative approval by concurrent resolution in any regular or special session.”

SECTION 6. Section 354D-3, Hawaii Revised Statutes, is amended to read as follows:

“**[~~§~~354D-3] Correctional industries program.** There is established a correctional industries program within the department of public safety, under the supervision of the director and other subordinates as the director shall designate. The administrator of the correctional industries program shall be appointed by the director of public safety, without regard to chapters 76 and 77. The director may appoint other employees necessary to carry out the function of this chapter without regard to chapters 76 and 77, provided that the number of temporary exempt positions covered under this section shall not exceed thirty in any fiscal year.”

SECTION 7. The department of public safety shall report to the legislature its progress in fulfilling the requirements of section 2 of this Act, twenty days before the convening of the 1996 and 1997 regular sessions.

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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SECTION 9. No officer or employee having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act.

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 11. This Act shall take effect on July 1, 1995.

(Approved June 14, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.