

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2949  
S.D. 2

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2949, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to provide the Office of the Ombudsman the authority to investigate out-of-state, private, or federal correctional facilities or institutions that have contracts with the Department of Public Safety to house Hawaii's inmates.

Your Committee finds that, because almost fifty per cent of Hawaii's inmates are transferred to out-of-state facilities, it is necessary to give the Office of the Ombudsman the authority to investigate complaints against an out-of-state facility and cases of death or riot at an out-of-state facility. Your Committee further finds that, as the Office of the Ombudsman currently has authority to address issues relating to prisoners at state facilities, it is appropriate to extend the scope of those duties to all prisoners, wherever they may be housed.

Your Committee amended this measure by:

- (1) Clarifying that the Ombudsman has jurisdiction to investigate acts of any out-of-state facility;



- (2) Clarifying provisions relating to access by the Ombudsman to out-of-state facilities and mail to the Ombudsman;
- (3) Changing the effective date to July 1, 2060, to facilitate further discussion on the role of the Ombudsman;
- (4) Making the bill applicable to investigation of certain out-of-state correctional facilities; and
- (5) Making technical nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2949, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2949, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Ways and Means  
(Bills and Resolutions)

|   |                                 |                  |      |         |
|---|---------------------------------|------------------|------|---------|
| Measure:*<br>SB 2949 SD1  | Committee Referral:<br>JHW, WAM | Date:<br>2/28/06 |      |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____   |                                 |                  |      |         |
| The Recommendation is to:<br><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   | Ayes                            | Ayes(WR)         | Nays | Excused |
| TANIGUCHI, Brian T. (C)   | /                               |                  |      |         |
| TSUTSUI, Shan S. (VC)   | /                               |                  |      |         |
| ENGLISH, J. Kalani  | /                               |                  |      |         |
| ESPERO, Will  | /                               |                  |      |         |
| FUKUNAGA, Carol   | /                               |                  |      |         |
| HOOSER, Gary L.   |                                 |                  |      | /       |
| INOUE, Lorraine R.  | /                               |                  |      |         |
| KANNO, Brian  | ST                              |                  |      | /       |
| KIM, Donna Mercado  | /                               |                  |      |         |
| KOKUBUN, Russell S.   | /                               |                  |      |         |
| NISHIHARA, Clarence K.  | /                               |                  |      |         |
| SAKAMOTO, Norman  | /                               |                  |      |         |
| HEMMINGS, Fred  |                                 |                  |      | /       |
| SLOM, Sam   |                                 |                  | /    |         |
| TRIMBLE, Gordon   |                                 |                  | /    |         |
|   |                                 |                  |      |         |
|   |                                 |                  |      |         |
|   |                                 |                  |      |         |
| TOTAL   | 10                              | 0                | 2    | 3       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |                                 |                  |      |         |
| Chair's or Designee's Signature:<br>  |                                 |                  |      |         |
| Distribution:             Original             Yellow             Pink             Goldenrod<br>File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy           |                                 |                  |      |         |

\*Do not list more than one measure per Record of Votes.