
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that commissaries at
3 state correctional facilities provide an opportunity for inmates
4 to purchase goods for personal use, such as sundries, hygiene
5 products, food, and other items. Because the costs of items at
6 commissaries that are located in jails and prisons are higher
7 than retail prices, the legislature is concerned that mark ups
8 on commissary items are excessive.

9 The purpose of this part is to require the auditor to
10 conduct a financial and management audit of the operations of
11 the department of public safety's commissaries, as well as the
12 commissary operations of out-of-state contracted correctional
13 facilities where Hawaii inmates are confined.

14 SECTION 2. The office of the auditor shall conduct a
15 financial and management audit of the department of public
16 safety's commissary operations, as well as the operations of
17 commissaries in out-of-state contracted correctional facilities



1 where Hawaii inmates are confined that shall include but not be
2 limited to determining:

3 (1) The total annual revenues generated from the sales of
4 commissary items during the prior fiscal year;

5 (2) The total annual expenditures incurred for the
6 operation and maintenance of each commissary during
7 the prior fiscal year;

8 (3) The criteria used to select the type of items that are
9 stocked and made available at commissaries; and

10 (4) The method used to determine the price of items sold
11 to inmates at commissaries.

12 SECTION 3. The office of the auditor shall submit a report
13 of its findings and any recommendations of the financial and
14 management audit, including any proposed legislation, to the
15 legislature no later than twenty days prior to the convening of
16 the regular session 2009.

17 PART II

18 SECTION 4. The legislature finds that since the passage of
19 mandatory minimum sentences for crystal methamphetamine
20 violations, Hawaii's prison population has dramatically
21 increased. This rise in inmate population has caused Hawaii to
22 contract with out-of-state private prisons to ease overcrowding.



1 The legislature also finds that, in 1996, Hawaii
2 transferred 300 prisoners out of the state, and the number of
3 transfers has been rapidly rising ever since. Ten years later
4 in 2006, Hawaii had 1,844 prisoners housed in private prisons on
5 the mainland. Today, Hawaii has over 2000 prisoners serving
6 their sentences in Corrections Corporation of America prisons in
7 Arizona and Kentucky.

8 The legislature further finds that there has never been an
9 audit of the private mainland prisons that Hawaii has contracted
10 with to house the State's inmates, despite the fact that deaths
11 and serious injuries have occurred at several of the contract
12 prisons on the mainland.

13 The purpose of this part is to require performance audits
14 of private prisons on the mainland housing Hawaii prisoners with
15 regard to the issues of delivery of services, visitation, and
16 the department of public safety's monitoring of those contracts.

17 SECTION 5. The office of the auditor shall conduct a
18 performance audit of each private prison on the mainland that
19 houses Hawaii inmates, including the Red Rock Correctional
20 Facility and Saguaro Correctional Facility in Eloy, Arizona, and
21 Otter Creek Correctional Facility in Wheelwright, Kentucky. The
22 performance audits shall cover:



- 1 (1) Treatment and services provided to Hawaii inmates,
2 including:
- 3 (A) Medical services;
 - 4 (B) Mental health services;
 - 5 (C) Substance abuse treatment;
 - 6 (D) Education;
 - 7 (E) Vocational training; and
 - 8 (F) Food services;
- 9 (2) Facilitation of family and community connections,
10 including:
- 11 (A) Visitation;
 - 12 (B) Videoconferencing; and
 - 13 (C) Telephone communication;
- 14 and
- 15 (3) The department of public safety's execution of its
16 statutory duties, including:
- 17 (A) Monitoring of private prisons;
 - 18 (B) Enforcement of contract provisions; and
 - 19 (C) Public access to contracts and monitoring
20 reports.



1 SECTION 6. The auditor shall report findings and
2 recommendations to the legislature no later than twenty days
3 prior to the convening of the regular session of 2009.

4 PART III

5 SECTION 7. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2008-2009 for the
8 auditor to conduct the performance audit mandated under part II
9 of this Act.

10 The sum appropriated shall be expended by the auditor for
11 the purposes of this Act.

12 SECTION 8. This Act shall take effect on July 1, 2008.



Report Title:
Corrections

Description:

Requires the auditor to conduct a financial and management audit of each commissary located in a Hawaii correctional facility, as well as commissaries located at out-of-state contracted correctional facilities where Hawaii inmates are confined. Also requires the auditor to conduct performance audits of private prisons on the mainland that house Hawaii prisoners. (HB2007 HD1)

