
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 PART I

2 SECTION 1. The legislature finds that approximately one
3 hundred seventy-four women prisoners who are residents of the
4 State of Hawaii are incarcerated in mainland prisons. Many of
5 these women are parents and are incarcerated at the minimum
6 security level.

7 The increased likelihood of children of incarcerated
8 parents being at high risk for physical and mental problems,
9 aggression, and criminal activity has been documented in
10 numerous studies by various institutions, including the Center
11 for Children of Incarcerated Parents, the Child Welfare League
12 of America, and the Federal Resource Center for Children of
13 Prisoners.

14 The legislature further finds that the children of
15 prisoners incarcerated on the mainland have an even higher risk
16 of becoming troubled due to the geographical separation that



1 precludes regular visits between parent and child and limits
2 access to support services.

3 The purpose of this part is to create a plan to return all
4 female prisoners, who are residents of Hawaii and incarcerated
5 on the mainland, to Hawaii by July 1, 2009.

6 SECTION 2. The department of public safety shall develop a
7 plan, to be completed by January 1, 2008, to return to the State
8 of Hawaii by July 1, 2009, all female prisoners who are
9 residents of the State of Hawaii and who have been sent to the
10 mainland for incarceration.

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$, or so
13 much thereof as may be necessary for fiscal year 2007-2008, for
14 the development of a plan to return to the State of Hawaii by
15 July 1, 2009, all female prisoners who are residents of the
16 State of Hawaii.

17 The sum appropriated shall be expended by the department of
18 public safety for the purposes of this Act.

19 SECTION 4. The department of public safety shall submit a
20 report to the legislature no later than twenty days prior to the
21 convening of the regular session of 2008 on its plan to return



1 to the State of Hawaii by July 1, 2009, all female prisoners who
2 are residents of the State of Hawaii.

3 Part II

4 SECTION 5. The legislature finds that Hawaii's prison
5 system is bursting at the seams with a swelling inmate
6 population. Since 1995, the department of public safety has
7 been transporting prisoners to facilities in Oklahoma, Texas,
8 Oregon, Minnesota, Arizona, and Tennessee. Approximately
9 eighteen hundred Hawaii inmates are housed in out-of-state
10 correctional facilities each year. That is nearly half of the
11 Hawaii prison population. Although this is a temporary
12 solution, the State cannot afford to transport inmates to
13 mainland facilities indefinitely.

14 According to the department of public safety's 2004 annual
15 report, forty-one per cent of male inmates and forty-four per
16 cent of female inmates are classified as minimum security or
17 community custody level inmates.

18 However, due to budget constraints, Hawaii has only two
19 minimum-security prisons, Waiawa correctional facility on Oahu
20 and Kulani correctional facility on the island of Hawaii. Both
21 Waiawa and Kulani often exceed their operational capacity.



1 The legislature finds that a study is needed to determine
2 the best possible sites in the State for a new minimum security
3 prison facility.

4 The purpose of this part is to require the department of
5 public safety to conduct a study to explore and determine three
6 sites in the State for a minimum security prison facility.

7 SECTION 6. (a) The department of public safety shall
8 undertake a study to explore and determine three sites within
9 the State for a minimum security prison to house a minimum of
10 five hundred inmates and to include an intensive mandatory
11 substance abuse treatment program. Of the three sites
12 determined by the department of public safety, two sites shall
13 be located on Oahu and the third site shall be located on one of
14 the neighbor islands. In determining the three sites, the
15 department of public safety may consider expansion of existing
16 facilities. The study shall include, but not be limited to a
17 list of all sites considered by the department of public safety
18 and an evaluation as to the feasibility of planning, designing,
19 and constructing a suitable minimum security facility at the
20 three sites identified, and the estimated costs of planning,
21 designing, and constructing the facility at each of the
22 identified sites.



1 (b) The department of public safety shall submit a report
 2 to the legislature, no later than twenty days prior to the
 3 convening of the regular session of 2008, containing its
 4 findings and recommendations on the study required by subsection
 5 (a), including any proposed legislation to implement the
 6 recommendations found in the study.

7 PART III

8 SECTION 7. The Oahu community correctional center is the
 9 largest prison in the State and is situated on sixteen acres in
 10 urban Honolulu. The Oahu community correctional center has a
 11 history of overcrowding and currently houses over fourteen
 12 hundred men and women inmates, including pretrial detainees,
 13 persons arrested who cannot make bail, or persons being held
 14 without bail until their trials. The Oahu community
 15 correctional center is not a functional facility to accommodate
 16 the size of the current inmate population and was originally
 17 constructed to accommodate a much smaller inmate population.
 18 According to the Bureau of Justice Statistics, Hawaii's prison
 19 population has grown from nine hundred eighty-five in 1980, to
 20 5,454 in 2002.

21 The purpose of this Act is to review the feasibility of
 22 selling or leasing the Oahu community correctional center in



1 order to build a new facility in a different location to
2 accommodate and manage the continued growth of the inmate
3 population.

4 SECTION 8. (a) The department of public safety and the
5 office of planning shall review the public safety properties
6 along the proposed rail transit line, assess the market values
7 of these public safety properties, and consider the sale or
8 lease of the Oahu community correctional center. All proceeds
9 from such a sale or lease shall be used to finance the
10 construction of a new correctional facility or facilities or to
11 pay off bonds issued to finance the construction.

12 (b) The department of public safety shall submit a status
13 report to the legislature not later than twenty days before the
14 convening of the 2008 legislature, setting forth the results and
15 recommendations of the review required in subsection (a).

16 PART IV

17 SECTION 9. Approximately twelve Hawaii residents are
18 housed in various prisons in the continental United States under
19 the Interstate Corrections Compact. The current monitoring of
20 conditions at these prisons and the health and safety of the
21 Hawaii resident inmates held in those prisons has proven to be
22 insufficient. The purpose of this Act is to require the



1 mainland branch of the corrections division of the department of
2 public safety to improve its monitoring and reporting about the
3 conditions of Hawaii residents held in mainland prisons under
4 the Interstate Corrections Compact by collecting standardized
5 quarterly reports from each of these facilities about each
6 Hawaii resident inmate in houses.

7 SECTION 10. Section 355D-5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§355D-5[+] **Contracts[-] and reporting.** (a) The
10 director of public safety may enter into such contracts on
11 behalf of the State as may be appropriate to implement the
12 participation of the State in the Interstate Corrections Compact
13 pursuant to article III thereof. No such contract shall be of
14 any force or effect until approved by the governor and
15 comptroller.

16 (b) The mainland branch of the corrections division of the
17 department of public safety shall submit to the governor,
18 legislature, and director of public safety standardized,
19 quarterly reports about each Hawaii resident inmate incarcerated
20 in facilities pursuant to the Interstate Corrections Compact
21 containing the following information:

22 (1) Status of the incarcerated person's health;



- 1 (2) Any behavioral or disciplinary issues;
 2 (3) Progress in rehabilitative programs; and
 3 (4) Any complaints filed by the incarcerated person and
 4 how such complaints have been resolved.

5 The reports shall be due on October 5, 2007, and on the fifth
 6 day of each December, April, July, and October thereafter. The
 7 reports shall cover the three months immediately prior to that
 8 date. The reports shall comply with and be available for public
 9 inspection, pursuant to chapter 92F; provided that the
 10 information in these reports shall be redacted minimally to
 11 exclude the incarcerated person's name and other sensitive and
 12 protected information."

13 PART V

14 SECTION 11. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 12. This Act shall take effect upon its approval;
 17 provided that section 3 shall take effect on July 1, 2015.



Report Title:

Public Safety; Minimum Security Prison; Prisoners on the Mainland; Appropriation

Description:

Appropriates funds to the department of public safety to develop a plan by January 1, 2008, to return all female Hawaii prisoners incarcerated in mainland prisons back to Oahu by July 1, 2009. Requires department of public safety to: (1) conduct study to identify three sites in State for minimum security prison; (2) conduct study on the possible sale of the Oahu community correction center site; and (3) submit quarterly reports relating to Hawaii prisoners incarcerated in mainland prisons. (HD1)

