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# A BILL FOR AN ACT

RELATING TO THE AUDITOR.

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

1           SECTION 1. The legislature finds that since the passage of  
2 mandatory minimum sentences for the use, possession, or  
3 distribution of crystal methamphetamine, Hawaii's prison  
4 population has dramatically increased. This rise in inmate  
5 population has caused Hawaii to contract with out-of-state  
6 private prisons to ease overcrowding.

7           The legislature also finds that, in 1996, Hawaii  
8 transferred three hundred prisoners out of the State, and the  
9 number of transfers has been rapidly rising ever since. Ten  
10 years later in 2006, Hawaii had 1,844 prisoners housed in  
11 private prisons on the mainland. Today, Hawaii has over two  
12 thousand prisoners serving their sentences in Corrections  
13 Corporation of America prisons in Arizona and Kentucky.

14           The legislature further finds that there has never been an  
15 audit of the private mainland prisons that Hawaii has contracted  
16 with to house the State's inmates, despite the fact that deaths



1 and serious injuries have occurred at several of the contract  
2 prisons on the mainland.

3 The purpose of this Act is to require performance audits of  
4 private prisons on the mainland housing Hawaii prisoners with  
5 regard to the issues of delivery of services, visitation, and  
6 the department of public safety's monitoring of those contracts.

7 SECTION 2. The office of the auditor shall conduct a  
8 performance audit of the Saguaro Correctional Facility in Eloy,  
9 Arizona and the Otter Creek Correctional Facility in  
10 Wheelwright, Kentucky; provided that if the State begins a  
11 process of returning all female prisoners, who were previously  
12 transferred from Hawaii to the Otter Creek Correctional  
13 Facility, back to Hawaii in 2009, then the requirement for a  
14 performance audit of that facility pursuant to this Act shall be  
15 withdrawn. Each performance audit shall cover:

16 (1) Treatment and services provided to Hawaii inmates,  
17 including:

- 18 (A) Medical services;  
19 (B) Mental health services;  
20 (C) Substance abuse treatment;  
21 (D) Education;  
22 (E) Vocational training; and



- 1 (F) Food services;
- 2 (2) Facilitation of family and community connections,  
3 including:
- 4 (A) Visitation;
- 5 (B) Videoconferencing; and
- 6 (C) Telephone communication; and
- 7 (3) The department of public safety's execution of its  
8 statutory duties, including:
- 9 (A) Monitoring of private prisons;
- 10 (B) Enforcement of contract provisions; and
- 11 (C) Public access to contracts and monitoring  
12 reports.

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2008-2009 for  
16 the auditor to conduct the performance audits mandated under  
17 this Act.

18 The sum appropriated shall be expended by the auditor for  
19 the purposes of this Act.

20 SECTION 4. The auditor shall report findings and  
21 recommendations to the legislature no later than twenty days  
22 prior to the convening of the regular session of 2009.



1 SECTION 5. This Act shall take effect on July 1, 2008.



**Report Title:**

Auditor; Performance Audits; Private Prisons

**Description:**

Requires the auditor to conduct performance audits of private prisons on the mainland that house Hawaii prisoners. Makes appropriation. (SD1)

