
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. Each performance audit shall cover:

11 (1) Treatment and services provided to Hawaii inmates,
12 including:

- 13 (A) Medical services;
- 14 (B) Mental health services;
- 15 (C) Substance abuse treatment;
- 16 (D) Education;
- 17 (E) Vocational training; and
- 18 (F) Food services;

19 (2) Facilitation of family and community connections,
20 including:

- 21 (A) Visitation;
- 22 (B) Videoconferencing; and



- 1 (C) Telephone communication; and
- 2 (3) The department of public safety's execution of its
- 3 statutory duties, including:
- 4 (A) Monitoring of private prisons;
- 5 (B) Enforcement of contract provisions; and
- 6 (C) Public access to contracts and monitoring
- 7 reports.

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2008-2009 for
11 the auditor to conduct the performance audits mandated under
12 this Act.

13 The sum appropriated shall be expended by the auditor for
14 the purposes of this Act.

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

18 SECTION 5. This Act shall take effect on July 1, 2008;
19 provided that the requirement to perform an audit of the Otter
20 Creek Correctional facility shall not take effect if, prior to
21 October 1, 2008:



- 1 (a) The department of public safety has embarked on a plan
- 2 that will return all female inmates, who were
- 3 previously transferred from Hawaii to the Otter Creek
- 4 Correctional Facility, back to Hawaii by the end of
- 5 2009;
- 6 (b) The director of public safety provides a written
- 7 certification to the governor and the legislature that
- 8 the department has embarked on the plan and includes,
- 9 in the certification, details of the transfer plan and
- 10 a timeline for all transfers; and
- 11 (c) The governor transmits to the auditor a written
- 12 conformation attesting that the department of public
- 13 safety ha embarked on the plan.



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. (SB2342 SD2)

