

Honolulu, Hawaii

Aj-04 , 2008

RE: S.B. No. 2341  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2341, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to improve transparency and accountability of certain private prisons and other out-of-state prisons by establishing that;

- (1) Each nongovernmental entity contracting with the State to incarcerate or detain state prisoners or detainees in a privately owned prison or other out-of-state detention facility shall have the same duty to release information under Hawaii's Sunshine Law as is required of the Department of Public Safety (DPS); and
- (2) Any party aggrieved by a violation of the duty shall have the same remedies against the nongovernmental entity as is available against government agencies under the Sunshine Law.

The American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Drug Policy Action Group, Drug Policy Forum of Hawaii, Hawaii Government Employees Association, and a concerned individual supported this bill. The Office of



Information Practices supported the intent of this bill. DPS opposed this measure. The Attorney General submitted comments.

Your Committee has amended this measure by:

- (1) Specifying that contracts that provide for the incarceration or detention of state prisoners or detainees in a privately owned prison or other out-of-state detention facility shall require the contractor to provide access to the same information as is required of DPS under the Sunshine Law;
- (2) Specifying that remedies for the failure of contractors to provide information required under the Sunshine Law shall be provided for by contract and shall include at least the remedies against the nongovernmental entity as is provided for against governmental agencies under the Sunshine Law;
- (3) Codifying the provisions of this bill under the Corrections law;
- (4) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2341, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2341, S.D. 1, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
TOMMY WATERS Chair



