

Honolulu, Hawaii

March 14, 2008

RE: S.B. No. 2341

S.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 Public Safety & Military Affairs, 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 increase the accountability of
out-of-state vendors who contract with the State to house Hawaii
prisoners. Specifically, this bill requires that a private
correctional facility that:

- (1) Contracts with the State to hold Hawaii prisoners in a
private prison;
- (2) Enters into a government-to-government contract to hold
Hawaii prisoners in a private prison; or
- (3) Enters into an interstate compact agreement under which
Hawaii inmates are held in a prison in another state,

must comply with Hawaii's Uniform Information Practices Act or
"Sunshine Law" in disclosing information to the public.

The Community Alliance on Prisons, Drug Policy Forum of
Hawaii, and a concerned individual supported this bill. The
Office of Information Practices supported the intent of this
measure. The Department of Public Safety (PSD) opposed this bill.



Your Committee finds that despite the \$50,000,000 in public funds expended annually for contracts with a private company to house Hawaii inmates in mainland prisons, these contracts have never been posted on PSD's website and information concerning these contracts and their enforcement has never been accessible to the public. While Chapter 92F, Hawaii Revised Statutes (HRS), mandates that most information obtained or produced by the State be available for public scrutiny, there is some confusion as to what extent governs the availability of information from private companies that contract with the State. Therefore, your Committee respectfully requests the Committee on Judiciary to look further into this matter to determine if more clarification is needed in Chapter 92F, HRS, as to how it pertains to such matters.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2341, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety &
Military Affairs,


CINDY EVANS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSQR 1121

Record of Votes of the Committee on Public Safety & Military Affairs

Bill/Resolution No.: SB 2341	Committee Referral: PSM, JUD , FIN	Date: 03-13-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PSM Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. LEE, Marilyn B.	✓			
4. LUKE, Sylvia	✓			
5. McKELVEY, Angus L.K.	✓			
6. NAKASONE, Bob				✓
7. NISHIMOTO, Scott Y.				✓
8. SONSON, Alex M.	✓			
9. SOUKI, Joseph M.				✓
10. TAKAMINE, Dwight Y.	✓			
11. TAKUMI, Roy M.	✓			
12. FINNEGAN, Lynn				✓
13. PINE, Kymberly Marcos		✓		
TOTAL (13)	8	1		4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				