

STAND. COM. REP. NO.

2344

Honolulu, Hawaii

FEB 14 2008

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Public Safety, to which was referred S.B. No. 2341 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require prisons holding Hawaii prisoners under a contract with the State to make information about the operation of the prison available to the public.

Testimony in support of this measure was received from the Office of Information Practices, Hawaii Government Employees Association, Community Alliance on Prisons, Ke Kahua Pa'a, and two individuals. The Department of the Attorney General and the Department of Public Safety submitted testimony in opposition.

In addition, your Committee requested and received suggested amendments to this measure from the Department of the Attorney General.

Your Committee finds that this measure would provide accountability and transparency to the public regarding the services provided by any vendor for any contract made with the State to house Hawaii prisoners. Your Committee has also heard a number of concerns, including the difficulty of enforcing the provisions and the "chilling effect" it would have on the bidding process.



Your Committee supports the concept of this measure and has amended section 2 to address these concerns, by:

- (1) Clarifying the language in subsection (a) regarding the duty of an out-of-state detention facility to release information;
- (2) Deleting the requirement for state agencies to adopt rules under chapter 91, Hawaii Revised Statutes, to ensure compliance by a nongovernmental entity involved in contracts or agreements with the State; and
- (3) Clarifying that any party aggrieved by a violation of the duty to release information shall have the same remedies against the nongovernmental entity as provided for against government agencies in chapter 92F, Hawaii Revised Statutes, unless the information is entitled to protection under section 92F-13, Hawaii Revised Statutes, or is a trade secret as defined in section 482B-2, Hawaii Revised Statutes.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,

  
\_\_\_\_\_  
WILL ESPERO, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Public Safety**  
**PBS**

Bill / Resolution No.:* <b>SB 234</b>	Committee Referral: <b>PBS, JDL</b>	Date: <b>2/7/08</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman	✓			
WHALEN, Paul	✓			
<b>TOTAL</b>	<b>4</b>			<b>0</b>

Recommendation:     Adopted     Not Adopted

Chair's or Designee's Signature:  
*Clarence K. Nishihara*

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\*Only one measure per Record of Votes