

STAND. COM. REP. NO. 2878

Honolulu, Hawaii

FEB 29 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 Judiciary and Labor, 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 measure is to require out-of-state
detention facilities holding Hawaii prisoners under a contract
with the State to make public information about the operation of
the prison.

Specifically, this measure:

- (1) Provides that an entity contracting with the State to house prisoners from Hawaii shall have the same duty to release information that a state agency operating such a facility in Hawaii would have under chapter 92F, Hawaii Revised Statutes (HRS);
- (2) Affords any party aggrieved by a violation the same remedies against the contracting entity as provided against government agencies pursuant to chapter 92, HRS; and
- (3) Provides exemptions for certain sensitive or confidential government records pursuant to section 92F-13, HRS, and for trade secrets as defined in section 482B-2, HRS.



Testimony in support of this measure was submitted by the American Civil Liberties Union of Hawaii; The Drug Policy Forum of Hawaii; Community Alliance on Prisons; and two private citizens. Testimony in opposition to this measure was submitted by the Department of Public Safety. Comments were submitted by the Office of Information Practices.

Your Committee finds that this measure will provide accountability and transparency to the public regarding the services provided by a vendor for any contract made with the State to house Hawaii prisoners out-of-state.

This will assist the public in understanding how State funds are being spent and in assessing how the out-of-state detention facility is being operated and managed, and whether the vendor is living up to its contractual responsibilities. This access to information, along with the remedial avenues afforded, will go a long way towards ensuring that Hawaii's inmates receive adequate and fair treatment while incarcerated in out-of-state detention facilities.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor 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 Third Reading.

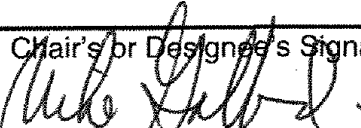
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2341 SD1	Committee Referral: PBS, JDL	Date: 2-22-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes