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# A BILL FOR AN ACT

RELATING TO CORRECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the rehabilitation  
2 of incarcerated persons is enhanced by regular family visits.  
3 The department of public safety has been sending Hawaii inmates  
4 to mainland prisons and transferring Hawaii inmates between in-  
5 state facilities at an increasing rate. Frequent transfers are  
6 of concern because they disrupt educational, vocational,  
7 treatment, and other programs that are integral to inmates'  
8 successful rehabilitation and reentry into society. This is  
9 particularly true of inmates detained in mainland prisons.

10           The legislature further finds that there are no existing  
11 statutes establishing standards governing the transfer of  
12 inmates to mainland prisons or between correctional facilities  
13 in Hawaii.

14           The purpose of this Act is to establish standards for the  
15 transfer of Hawaii incarcerated persons to mainland correctional  
16 facilities or between in-state correctional facilities.



1 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§353- Transfer of inmates to other Hawaii correctional  
5 facilities. The director may effect the transfer of a committed  
6 felon to any correctional facility located in this State, if the  
7 transfer is in the best interests of the state and the welfare  
8 of the committed felon will be best served by the transfer;  
9 provided that the director shall consider the following criteria  
10 prior to the transfer:

11 (1) If the committed felon is currently engaged in a  
12 rehabilitation or reentry program prior to the  
13 proposed transfer, whether the felon may continue with  
14 a similar program at the facility to which the  
15 transfer is proposed; and

16 (2) Whether other committed felons have volunteered to be  
17 transferred; provided that felons volunteering for a  
18 transfer shall be given preference for a transfer  
19 under this section to achieve cost savings."

20 SECTION 3. Section 353-16.2, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§353-16.2 Transfer of inmates to out-of-state  
2 institutions. (a) The director may effect the transfer of a  
3 committed felon to any correctional institution located in  
4 another state regardless of whether the state is a member of the  
5 Western Interstate Corrections Compact; provided that the  
6 institution is in compliance with appropriate health, safety,  
7 and sanitation codes of the state, provides a level of program  
8 activity for the inmate that is suitable, and is operated by  
9 that state, by any of its political subdivisions, or by a  
10 private institution; and provided further that the transfer is  
11 either:

12           (1) In the interest of the security, management of the  
13               correctional institution where the inmate is presently  
14               placed, or the reduction of prison overcrowding; or

15           (2) In the interest of the inmate.

16           (b) Terms and conditions of the transfer and any  
17 reimbursement for expenses shall be agreed upon between the  
18 department and the out-of-state correctional institution prior  
19 to transfer.

20           (c) The director shall consider, prior to the transfer of  
21 a committed felon to any correctional institution located in  
22 another state, whether the committed felon is regularly



1 participating in extended family leave visitations with the  
2 committed felon's child and whether the transfer would disrupt  
3 the visitations.

4 For purposes of this subsection:

5 "Child" means a biological or adopted child under the age  
6 of eighteen.

7 "Regularly participating" means participating on a  
8 consistent, ongoing basis with the anticipation of continuing  
9 participation in the future. The term "regularly participating"  
10 does not include infrequent or occasional participation, unless  
11 the opportunities for participation are themselves infrequent or  
12 occasional.

13 (d) Prior to a transfer of a committed felon under this  
14 section, the director shall consider, among other things:

15 (1) Whether the committed felon is enrolled in a  
16 vocational, educational, treatment, reentry, or other  
17 program that cannot reasonably be resumed at the  
18 correctional facility in another state to which the  
19 transfer is proposed; and

20 (2) Whether other committed felons have volunteered to be  
21 transferred; provided that felons volunteering for a



1           transfer shall be given preference for a transfer  
2           under this section to achieve cost savings."

3           SECTION 4. New statutory material is underscored.

4           SECTION 5. This Act shall take effect on July 1, 2020.



S.B. NO. 210  
S.D. 2  
H.D. 1

**Report Title:**

Public Safety; Corrections; Inmate Transfers

**Description:**

Specifies criteria that must be considered in deciding whether to transfer inmates between correctional facilities located in Hawaii and correctional facilities located outside of Hawaii. Takes effect July 1, 2020. (SB210 HD1)

