STAND. COM. REP. NO. **812**

Honolulu, Hawaii

MAR 0 6 2009

RE: S.B. No. 210
     S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 210, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose of this measure is to specify certain factors the Department of Public Safety must consider prior to transferring an inmate between Hawaii correctional facilities or to an out-of-state correctional facility.

More specifically, the measure would require that the Department of Public Safety consider factors including whether:

(1) The inmate is participating in family visitation and the location of the family;

(2) The inmate is involved in a rehabilitation or other program that would be disrupted by a transfer; and

(3) If another inmate has volunteered to be transferred.

Your Committee received two written comments on the measure. The written comments may be reviewed on the Legislature's website.

Your Committee finds that, currently, there are no statutes that govern the transfer of inmates between facilities within the State or to out-of-state facilities. This measure fills this void

by establishing criteria that the Director of Public Safety must consider prior to any inmate transfer decision.
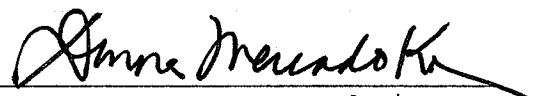
Your Committee believes that family support is a positive and motivating factor in the process of transitioning inmates back into society. The family creates a support group, separate from the correctional facility, that can motivate lawful obedience, alleviate stress, anger, and depression, and provide financial and emotional support. Your Committee believes that by requiring consideration of the family relationship in making transfer decisions, inmates will be given the best opportunity to succeed in the transition process.

Your Committee has amended the measure by:

(1)   Deleting the requirement that the director consider the location of the committed felon's family and whether the transfer would significantly disrupt family contact;

(2)   Changing the requirement that the Director of Public Safety not transfer an inmate with frequent extended visitations with a child to making it a factor for the Director to consider;

(3)   Changing the effective date to July 1, 2099, to facilitate further discussion on this issue; and

(4)   Making technical, nonsubstantive changes for the purpose of consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 210, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 210, S.D. 2.

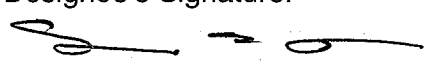Respectfully submitted on behalf of the members of the Committee on Ways and Means,

DONNA MERCADO KIM, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 210 SP1	PSM, WAM	MAR 3, 2009

☐ 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
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood	/			
HEE, Clayton				/
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred				/
TOTAL	10			2

Recommendation:

☑ Adopted   ☐ 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 <u>one</u> measure per Record of Votes

Revised: 12/18/08