
A BILL FOR AN ACT

RELATING TO INMATES.

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

1 SECTION 1. Section 353-16.35, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§353-16.35 Development or expansion of in-state
4 correctional facilities. (a) Notwithstanding any other law to
5 the contrary, the governor, with the assistance of the director,
6 may negotiate with any person for the development or expansion
7 of private in-state correctional facilities or public in-state
8 turnkey correctional facilities to reduce prison overcrowding;
9 provided that if an environmental assessment or environmental
10 impact statement is required for a proposed site or for the
11 expansion of an existing correctional facility under section
12 343-5, then notwithstanding the time periods specified for
13 public review and comments under section 343-5, the governor
14 shall accept public comments for a period of sixty days
15 following public notification of either an environmental
16 assessment or an environmental impact statement.



1 (b) Any development or expansion proposal shall address
2 the construction of the facility separate from the operation of
3 the facility and shall consider and include:

4 (1) The percentage of low, medium, and high security
5 inmates and the number of prison beds needed to
6 incarcerate each of the foregoing classes of inmates;

7 (2) The facility's impact on existing infrastructure, and
8 an assessment of improvements and additions that will
9 be necessary;

10 (3) The facility's impact on available modes of
11 transportation, including airports, roads, and
12 highways; and

13 (4) A useful life costs analysis.

14 (c) The department shall develop or expand in-state
15 facilities sufficient to meet the requirements of section
16 353H-7.

17 [~~e~~] (d) For the purposes of this section, "useful life
18 costs" means an economic evaluation that compares alternate
19 building and operating methods and provides information on the
20 design, construction methods, and materials to be used with
21 respect to efficiency in building maintenance and facilities
22 operation."



1 SECTION 2. Section 353H-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~] §353H-7 [~~+~~] **Return of out-of-state inmates.** (a) The
4 director of public safety shall return Hawaii inmates held in
5 out-of-state prisons at least one year prior to the inmate's
6 parole or release date in order for these inmates to participate
7 in programs preparing them for reentry on the island where they
8 have the most support; provided that inmates participating in
9 reentry programs at the mainland facility in which they are
10 incarcerated consent to the return.

11 (b) The provisions of subsection (a) shall not prevent the
12 return of other Hawaii inmates held in out-of-state prisons with
13 less than one year left of their sentence from being returned in
14 preparation for reentry to the island where they have the most
15 support.

16 (c) The director of public safety shall return all out-of-
17 state inmates to Hawaii prisons by December 31, 2015.

18 (d) The department shall plan, design, and construct
19 sufficient facilities to house all prisoners committed to the
20 department's custody to meet the requirements of subsection (a).

21 [~~e~~] (e) The department [~~of public safety~~] shall provide
22 a report to the legislature at the end of each calendar year on



1 any inmates not returned pursuant to this section with an
2 explanation of the reasoning and circumstances for
3 noncompliance."

4 SECTION 3. Section 353-16.2, Hawaii Revised Statutes, is
5 repealed.

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

17 (1) ~~In the interest of the security, management of the~~
18 ~~correctional institution where the inmate is presently~~
19 ~~placed, or the reduction of prison overcrowding, or~~

20 (2) ~~In the interest of the inmate.~~

21 (b) ~~Terms and conditions of the transfer and any~~
22 ~~reimbursement for expenses shall be agreed upon between the~~



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1 ~~department and the out of state correctional institution prior~~
2 ~~to transfer.~~"]

3 SECTION 4. Section 353-16.3, Hawaii Revised Statutes, is
4 repealed.

5 [~~§353-16.3 Development of out of state Hawaii~~
6 ~~correctional facilities.~~ Notwithstanding any other provision to
7 the contrary, the governor, with the assistance of the director,
8 may negotiate with any appropriate out of state jurisdiction for
9 the development of Hawaii correctional facilities to reduce
10 prison overcrowding; provided that any agreement negotiated
11 pursuant to this section shall be subject to legislative
12 approval by concurrent resolution in any regular or special
13 session."]

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval;
17 provided section 3 shall take effect on January 1, 2013.

18

INTRODUCED BY:

Calvin K. Iy
D.P. Hansen

JAN 23 2009



Report Title:

Prisons; Inmates; Out-of-State

Description:

Requires return of all out-of-state inmates in private prisons by 12/31/2015. Requires the public safety department to plan, design, and construct sufficient facilities to house inmates in Hawaii by 12/31/2015.

