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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. 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-       Contracts with out-of-state detention facilities;  
5 freedom of information requirement. (a) Contracts made  
6 directly between the State and a nongovernmental entity or  
7 through interstate compacts that provide for the incarceration  
8 or detention of state prisoners or detainees in a privately  
9 owned prison or other out-of-state detention facility shall:

10           (1) Require the state and contractor to provide access to  
11           the same information as is required of the department  
12           of public safety in chapter 92F; and

13           (2) Include the same remedies for the failure of  
14           contractors to comply with this chapter as are  
15           provided in chapter 92F for the failure of government  
16           agencies to comply with chapter 92F.

1        (b) For purposes of this section, "privately owned prison"  
2        and "other out-of-state detention facility" mean any privately  
3        owned prison or other out-of-state detention facility that  
4        incarcerates or detains prisoners or detainees pursuant to a  
5        contract with the State."

6        SECTION 2. New statutory material is underscored.

7        SECTION 3. This Act shall take effect on July 1, 2009.

**Report Title:**

Public Safety; Freedom of Information; Out-of-State Prisons

**Description:**

Requires privately owned prisons or out-of-state detention facilities holding prisoners under a contract with the State to follow state freedom of information laws pursuant to chapter 92F, Hawaii Revised Statutes. (SD2)