

STAND. COM. REP. NO.

272

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 212
S.D. 1

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

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 212 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to require privately owned prisons or out-of-state detention facilities that incarcerate Hawaii inmates pursuant to a contract with the State of Hawaii to follow the state freedom of information laws pursuant to chapter 92F, Hawaii Revised Statutes.

Testimony in support of this measure was submitted by one state agency, four private organizations, and three individuals. Testimony in opposition of this measure was submitted by one state agency. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that it is important for privately owned prisons and out-of-state detention facilities operating under a contract with the State of Hawaii to maintain a standard of accountability and transparency. Your Committee also finds that information submitted to the Legislature by privately owned prisons and out-of-state detention facilities under the State's freedom of information laws will aid the Legislature in making sound fiscal and public policy decisions regarding the incarceration of Hawaii inmates.

Your Committee has amended this measure by:

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- (1) Deleting an unnecessary provision clarifying that any available remedy received shall not provide a privilege to expose confidential information protected under sections 92F-13 and 482B-3, Hawaii Revised Statutes; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 212, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 212, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,



WILL ESPERO, Chair



