

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1358  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 1358 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Public Safety to make plans to reopen the Kulani Correctional Facility. Specifically, this measure requires the Department of Public Safety to:

- (1) Formulate a plan to reopen the Kulani Correctional Facility; and
- (2) Include in that plan an implementation process to transfer back incarcerated persons and to house new individuals at the Kulani Correctional Facility.

Your Committee received testimony in support of this measure from one state department, one county mayor, three entities, and ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one state department.

Your Committee finds that the reopening of the Kulani Correctional Facility would ease prison overcrowding and provide sex offender treatment rehabilitation services. Prior to its closing, the Kulani Correctional Facility specialized in providing



sex offender treatment, which the Department of Public Safety describes as one of the most successful programs in the country.

Hawaii's incarcerated persons who serve their incarceration sentences in Hawaii have more potential for rehabilitation when they can live in familiar surroundings and be close to relatives. Your Committee finds that consideration of the State's financial costs of incarceration on the mainland, rather than incarceration in Hawaii, is outweighed by the rehabilitation success of persons incarceration in Hawaii. Successful rehabilitation eventually results in lower recidivism and lower costs.

According to testimony of the Department of Public Safety, the Kulani Correctional Facility will provide custodial care and programs such as vocational training, treatment modalities, and educational services. This minimum-security facility is integral to the sequential phasing for offenders re-entering the community. The Kulani Correctional Facility is anticipated to provide the Department with the ability to return upwards of two hundred offenders from Arizona. This translates into approximately eighty jobs and \$4,745,000 in revenues.

According to testimony of the Mayor of Hawaii County, the decision to close Kulani created a drain on the County of Hawaii's economy. About seventy-five Department of Public Safety employees lost their jobs when Kulani closed, including corrections officers and employees who worked in treatment and job training programs. At the same time, local vendors such as food suppliers lost tens of thousands of dollars per month in business because they no longer supplied the prison.

Your Committee is concerned about the absence of a plan to ensure the continued operation of the Youth Challenge Program at Kulani. Your Committee requests the Department of Public Safety to include, as part of its plans, the continued operation, including relocation if necessary, of the Youth Challenge Academy on the Island of Hawaii.

Your Committee has amended this measure by setting the deadline to formulate the plan to reopen Kulani no later than December 1, 2011, and consistent with that amendment, changing the reporting date to twenty days prior to the convening of the Regular Session of 2012. Your Committee believes that the Department of Public Safety is able to formulate a plan this year, and time is of the essence in this urgent matter.



As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1358, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1358, S.D. 1, and be referred to the Committee on Ways and Means.

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

*Will Espero*

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WILL ESPERO, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>SB 1358</b>	Committee Referral: <b>PGM, WAM</b>	Date: <b>2-15-11</b>
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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
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam		/		
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature: *Michelle N. Kidani*

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\*Only one measure per Record of Votes