

---

---

# A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1           SECTION 1. The legislature finds that the rehabilitation  
2 of incarcerated persons is facilitated by regular family visits.  
3 The legislature further finds that the department of public  
4 safety has been sending Hawaii inmates to mainland prisons and  
5 transferring Hawaii inmates between in-state facilities at an  
6 increasing rate. Frequent transfers are of concern because they  
7 disrupt educational, vocational, treatment, and other programs  
8 that are integral to successful rehabilitation and reentry into  
9 society. This is particularly true of inmates detained in  
10 mainland prisons.

11           The legislature further finds that there are no existing  
12 statutes establishing standards governing the transfer of  
13 inmates to mainland prisons or between correctional facilities  
14 in Hawaii.

15           The purpose of this Act is to establish standards for the  
16 transfer of Hawaii incarcerated persons to mainland prisons or  
17 between in-state correctional facilities.



1 SECTION 2. 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- Transfer of inmates to other Hawaii correctional  
5 facilities. The director may effect the transfer of a committed  
6 felon to any correctional facility located in this State, if the  
7 transfer is in the best interests of the State and the welfare  
8 of the committed felon will be best served by the transfer;  
9 provided that the director shall consider the following criteria  
10 prior to the transfer:

11 (1) If the committed felon is currently engaged in a  
12 rehabilitation or reentry program prior to the  
13 proposed transfer, whether the felon may continue with  
14 a similar program at the facility to which transfer is  
15 proposed; and

16 (2) Whether other committed felons have volunteered to be  
17 transferred; provided that felons volunteering for a  
18 transfer shall be given preference for a transfer  
19 under this section to achieve cost savings.

20 No committed felon with serious medical or mental conditions  
21 shall be considered for transfer."



1 SECTION 3. Section 353-16.2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§353-16.2 Transfer of inmates to out-of-state**

4 **institutions.** (a) The director may effect the transfer of a  
5 committed felon to any correctional institution located in  
6 another state regardless of whether the state is a member of the  
7 Western Interstate Corrections Compact; provided that ~~[the]~~:

8 (1) The institution is in compliance with appropriate  
9 health, safety, and sanitation codes of the state,  
10 provides a level of program activity for the inmate  
11 that is suitable, and is operated by that state, by  
12 any of its political subdivisions, or by a private  
13 institution; and ~~[provided further that the]~~

14 (2) The transfer is either:

15 ~~[+1]~~ (A) In the interest of the security, management of  
16 the correctional institution where the inmate is  
17 presently placed, or the reduction of prison  
18 overcrowding; or

19 ~~[+2]~~ (B) In the interest of the inmate.

20 No committed felon shall be transferred to an out-of-state  
21 correctional institution if that felon has twelve months or less  
22 to serve on a sentence before being eligible to be paroled.



1 Also, no committed felon with serious medical or mental  
2 conditions shall be considered for transfer to an out-of-state  
3 correctional institution.

4 (b) Terms and conditions of the transfer and any  
5 reimbursement for expenses shall be agreed upon between the  
6 department and the out-of-state correctional institution prior  
7 to transfer.

8 (c) Prior to a transfer of a committed felon under this  
9 section, the director shall consider, among other things:

10 (1) Whether the committed felon is regularly participating  
11 in extended family leave visitations with the  
12 committed felon's child, and whether the transfer  
13 would disrupt the visitations;

14 (2) Whether the committed felon is enrolled in a  
15 vocational, educational, treatment, reentry, or other  
16 program that cannot reasonably be resumed at the  
17 correctional facility in another state contemplated  
18 for the transfer; and

19 (3) Whether other committed felons have volunteered to be  
20 transferred; provided that felons volunteering for a  
21 transfer shall be given preference for a transfer  
22 under this section to achieve cost savings.



1        (d) For purposes of this subsection:

2        "Child" means a biological or adopted child under the age  
3 of eighteen.

4        "Regularly participating":

5        (1) Means participating on a consistent, ongoing basis  
6 with the anticipation of continuing participation; and

7        (2) Does not include infrequent or occasional  
8 participation, unless the opportunities for  
9 participation are themselves infrequent or  
10 occasional."

11        SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13        SECTION 5. This Act shall take effect on July 1, 2011.



**Report Title:**

Public Safety; Corrections; Inmate Transfers

**Description:**

Specifies criteria that must be considered in deciding whether to transfer inmates between correctional facilities located in Hawaii and to transfer inmates from Hawaii to mainland facilities. Prohibits transfer of inmates to mainland with 12 months or less to serve before being eligible to be paroled. Also prohibits transfer of inmates within Hawaii and to the mainland who are diagnosed with serious medical or mental conditions. Effective July 1, 2011. (SB48 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

