

LATE TESTIMONY



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013

ON THE FOLLOWING MEASURE:
S.B. NO. 576, RELATING TO CORRECTIONS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Tuesday, January 29, 2013 TIME: 2:50 p.m.
LOCATION: State Capitol, Room 224
TESTIFIER(S): David M. Louie, Attorney General, or
Lisa M. Itomura, Deputy Attorney General

Chair Espero and Members of the Committee:

The Department of the Attorney General has determined that the Auditor does not have the legal authority to completely fulfill the requirements of this bill.

This bill directs the Auditor to conduct a financial and management audit of the commissary operations of the Department of Public Safety and "out-of-state contracted correctional facilities where Hawaii inmates are confined[.]" Section 23-4(a), Hawaii Revised Statutes (HRS), authorizes the Auditor to conduct post-audits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State. The term "departments, offices, and agencies" is defined to include

all executive departments, boards, commissions, bureaus, offices, agencies,
and all independent commissions and other establishments of the state
government (excepting the legislature) and all quasi-public institutions and
all courts which are supported in whole or in part by, or which handle state
or public funds[.]

HRS § 23-1.

The "out-of-state contracted correctional facilities where Hawaii inmates are confined" are privately owned and operated and therefore not quasi-public institutions. The Auditor thus does not have the authority to audit the commissary operations of these facilities.

We respectfully ask the Committee to amend the bill by deleting the following provisions from section 2

", as well as the operations of the commissaries in out-of-state contracted correctional facilities where Hawaii inmates are confined;".

SB576

Submitted on: 1/29/2013

Testimony for PSM on Jan 29, 2013 14:50PM in Conference Room 224

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Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Jaramillo	Individual	Support	No

Comments: Strong support.

Senate Committee On Public Safety
Sen. Will Espero, Chair, and Sen. Rosalyn H. Baker, Vice Chair
Tuesday, Jan. 29, 2013, 2:50 PM, Rm 224
SB 576 Audit of Commissaries
Support

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Aloha, Sen. Espero and Sen Baker,

Na Koa Ikaika, an ohana organization which supports Hawaiian rights, customs, traditions and values, adamantly calls for an end to the predatory tactics used in prison commissaries. That is what an audit will reveal. Taking advantage of persons who are already suspicious of prison administration (and rightly so) is so venal. It shows a total lack of respect towards the incarcerated. A captive market should be treated fairly as so many lack funds.

Perhaps those with allergies should be given medical benefits and should not be charged for their needs. That should be included for those who need special diets or special soaps or shampoos.

In Arizona our men pay about 15 % for items purchased. DISGUSTING.

Please help to stop this nasty situation.

Mahalo,

Lela M. Hubbard
Na Koa Ikaika