

MAR 07 2014

---

## SENATE RESOLUTION

URGING THE GOVERNOR TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP TO BUILD A NEW SYSTEM OF PRISONS, JAILS, AND HALFWAY HOMES FOR HAWAI'I, TO BE OWNED AND OPERATED BY THE STATE AND ITS COUNTIES.

1 WHEREAS, it is the duty and obligation of the State to  
2 employ and operate a system of prisons and jails that  
3 incarcerate and rehabilitate individuals in society who are  
4 guilty of crimes; and

5  
6 WHEREAS, the State currently employs and operates a system  
7 of prisons and jails that are overcrowded and in some cases old  
8 and dilapidated; and

9  
10 WHEREAS, inadequate facilities have forced the State to  
11 send prisoners to private mainland prisons; and

12  
13 WHEREAS, the practice of sending the State's prisoners to  
14 private mainland prisons is a temporary solution that is no  
15 longer viable or in the best interests of prisoners, their  
16 families, or society as a whole; and

17  
18 WHEREAS, the State's current prison population, including  
19 those incarcerated on the mainland, is over 5,000 and is  
20 estimated to exceed 6,000 in the foreseeable future; and

21  
22 WHEREAS, the Governor and the Legislature agree that the  
23 State's prison system needs to be improved to alleviate the  
24 conditions that result in the outsourcing of Hawai'i's prisoners;  
25 and

26  
27 WHEREAS, the practice of sending the State's prisoners to  
28 mainland prisons needs to be eliminated as soon as possible; and

29  
30 WHEREAS, despite the promising fiscal condition of the  
31 State, it will never be sufficiently positive to allow Hawai'i to  
32 pay the estimated \$800,000,000 to \$1,000,000,000 that is needed  
33 to build a new system of prisons and jails; and



# S.R. NO. 38

1 WHEREAS, if the current situation continues, prison  
2 conditions will only worsen and potentially lead to federal  
3 intervention that will financially burden the State, as seen in  
4 California, which resulted in the costly federal oversight of  
5 California's prison health care system; and

6  
7 WHEREAS, federal intervention threatens all other parts of  
8 government service, including but not limited to education,  
9 welfare, and other aspects of public safety; and

10  
11 WHEREAS, the Department of Public Safety has not provided a  
12 concrete plan to rebuild our prisons and jails in response to  
13 the burgeoning prison system crisis; now, therefore,

14  
15 BE IT RESOLVED by the Senate of the Twenty-seventh  
16 Legislature of the State of Hawaii, Regular Session of 2014,  
17 that the Governor is urged to enter into a public-private  
18 partnership with a company that has the proven capabilities of  
19 building a new prison system and to build a new system of  
20 prisons, jails, and halfway homes for Hawai'i, to be owned and  
21 operated by the State and its counties; and

22  
23 BE IT FURTHER RESOLVED that the Governor is urged to  
24 achieve the goal of bringing home all of the State's prisoners  
25 that are incarcerated on the mainland no later than July 1,  
26 2018; and

27  
28 BE IT FURTHER RESOLVED that the public-private partnership  
29 be in accordance with the Justice Reinvestment Act and that a  
30 minimum of seventy percent of the repayment costs for the new  
31 system be paid for through cost savings and efficiencies, as  
32 compared to the existing system; and

33  
34 BE IT FURTHER RESOLVED that the public-private partnership  
35 thoroughly evaluate refurbishment and expansion of any existing  
36 facilities that may have remaining useful life and can be  
37 feasibly extended for a minimum of thirty years; and

38  
39 BE IT FURTHER RESOLVED that the financial analysis of all  
40 proposals, refurbishments, and construction be completed on a  
41 whole life methodology; and

42



# S.R. NO. 38

1 BE IT FURTHER RESOLVED that all proposals include a total  
2 cost of ownership analysis, including but not limited to: first  
3 cost of capital, all land and infrastructure costs, building  
4 operating costs and maintenance, managerial operating costs  
5 including all staff costs, and remaining useful life beyond the  
6 thirty-year period; and  
7

8 BE IT FURTHER RESOLVED that no later than May 31, 2014, the  
9 relevant state departments put out a request for proposals to  
10 the prison building industry; and  
11

12 BE IT FURTHER RESOLVED that no later than December 31,  
13 2014, the State select a private partner to accomplish the goal  
14 of providing Hawai'i with a new, state of the art, system of  
15 prisons, jails, and halfway homes; and  
16

17 BE IT FURTHER RESOLVED that the Governor, at the time of  
18 the State of the State Address in January 2015, provide the  
19 Legislature with a final version of all plans for the new prison  
20 system and a complete accounting for how the public-private  
21 partnership will implement the plans without increasing taxes;  
22 and  
23

24 BE IT FURTHER RESOLVED that certified copies of this  
25 Resolution be transmitted to the Governor, Director of Public  
26 Safety, and Director of Finance.  
27  
28  
29

OFFERED BY: \_\_\_\_\_

*Will Zygo*

*[Signature]*

