
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 PART I

2 SECTION 1. The legislature finds that the State's
3 correctional facilities are extremely old and in need of
4 significant repair and maintenance.

5 The legislature further finds that the Oahu community
6 correctional center is a critical facility that is extremely old
7 and neither properly serves the needs of its inmate population
8 nor adequately fulfills its public safety role in a safe or
9 efficient manner. The Oahu community correctional center needs
10 to be rebuilt, preferably as a multi-story facility, and
11 upgraded to use modern technology.

12 There is adequate space to move the Oahu community
13 correctional center to the grounds of the Halawa correctional
14 facility. Such use would be consistent with the current use of
15 the site and also provide cost efficiencies through shared use
16 of common services, such as food preparation, laundry and
17 medical clinics. This Act exempts the construction of a new



1 correctional facility on the Halawa site from environmental
2 impact statement and assessment requirements to further increase
3 efficiency and cost savings.

4 The legislature finds that the new, 1,250-bed Oahu
5 community correctional facility will be a secure, minimum- to
6 medium-security community correctional facility designed to
7 include in-house rehabilitation programs for the treatment of
8 chemical dependency and abuse and other mental health programs,
9 as well as to prepare inmates for re-entry into society. In
10 addition, the design of the new facility will incorporate the
11 separation of low-risk offenders and high-risk offenders and be
12 orientated towards recovery models for inmates with substance
13 abuse and mental health issues.

14 The legislature finds that the State should also consider
15 an alternative option of rebuilding the Oahu community
16 correctional center on its current site in Kalihi; provided that
17 the new facility uses a multi-story design that minimizes its
18 footprint. This would still enable redevelopment opportunities
19 in view of the site's close proximity to a future rail transit
20 station. Redevelopment at the current Oahu community



1 correctional center site could include housing, retail,
2 restaurants, government buildings, and parks.

3 The legislature further finds that in financing the new
4 facility, the State must examine all options, including private-
5 public partnerships, to make the most effective use of State
6 funds.

7 This Act appropriates funds for continued development of a
8 much-needed Maui community correctional center, which has been
9 identified as one of the priorities of the State's correctional
10 system. Additionally, this Act clarifies the governor's
11 authority to negotiate for the construction of a correctional
12 facility to include the authority to negotiate for construction
13 of a jail, such as that needed on Maui, and aligns environmental
14 impact statement and assessment requirements for such a jail
15 with generally applicable requirements. The legislature also
16 notes that the Maui jail was designed for two hundred inmates
17 and now houses more than double that number; there is no room
18 for expansion in its current site. The legislature finds that
19 this Act and the funds appropriated by it will enable the State
20 to pursue the relocation of Maui's correctional facility.



1 The purpose of this Act is to facilitate in an expeditious
2 and efficient manner the development or expansion of in-state
3 correctional facilities by:

- 4 (1) Exempting the State from environmental impact
5 statement or assessment requirements for a
6 correctional facility to be built on an existing
7 parcel of the Halawa correctional facility;
- 8 (2) Clarifying the governor's authority to negotiate for
9 the construction of a correctional facility to include
10 the authority to negotiate for construction of a jail,
11 such as that needed on Maui, and aligning
12 environmental impact statement and assessment
13 requirements for such a jail with generally applicable
14 requirements;
- 15 (3) Requiring the governor to conduct a feasibility study
16 that includes reconstructing the Oahu community
17 correctional center with a smaller footprint on the
18 land that it currently occupies and redeveloping the
19 remainder of the site; and



1 (4) Appropriating funds for reconstruction of the Oahu
 2 community correctional center and the relocation of
 3 the Maui community correctional center.

4 PART II

5 SECTION 2. Section 353-16.35, Hawaii Revised Statutes, is
 6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) Notwithstanding any other law to the contrary, the
 8 governor, with the assistance of the director, may negotiate
 9 with any person for the development or expansion of private in-
 10 state correctional facilities or public in-state turnkey
 11 correctional facilities to reduce prison or jail overcrowding;
 12 provided that the purchase or construction of a correctional
 13 center on an existing parcel of the Halawa correctional
 14 facility, is exempt from section 343-5. For any other parcel if
 15 an environmental assessment or environmental impact statement is
 16 required for a proposed site or for the expansion of an existing
 17 correctional facility under section 343-5, then notwithstanding
 18 the time periods specified for public review and comments under
 19 section 343-5, the governor shall accept public comments for a
 20 period of [~~sixty~~] thirty days following public notification of



1 either an environmental assessment or an environmental impact
2 statement.

3 (b) Any development or expansion proposal [~~shall~~] may
4 address the construction of the facility separate from the
5 operation of the facility and shall consider and include:

6 (1) The percentage of low, medium, and high security
7 inmates and the number of prison or jail beds needed
8 to incarcerate each of the foregoing classes of
9 inmates;

10 (2) The facility's impact on existing infrastructure, and
11 an assessment of improvements and additions that will
12 be necessary;

13 (3) The facility's impact on available modes of
14 transportation, including airports, roads, and
15 highways; and

16 (4) A useful life costs analysis."

17 SECTION 3. Section 353-16.37, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§353-16.37 Community partnering. Regardless of the
20 method for funding new prison or jail facilities, the department
21 of public safety shall develop and implement a community



1 partnering process to be incorporated into [~~the request for~~
2 ~~proposal,~~] the planning of any new prison or jail; this
3 partnering process shall include a community hearing for the
4 purpose of soliciting community input. Further, a community
5 benefit and enhancement package shall be developed by the
6 department and the affected community to mitigate the negative
7 aspects of building a correctional facility in the community.
8 The benefit and enhancement package may include but is not
9 limited to:

- 10 (1) Infrastructure improvements;
- 11 (2) Job training programs or improvements to schools and
12 health care facilities;
- 13 (3) Social programs; and
- 14 (4) Other government functions."

15 PART III

16 SECTION 4. (a) The governor shall commission a study on
17 the feasibility of State redevelopment of the land that is
18 currently occupied by the Oahu community correctional center to
19 benefit the Kalihi community and the State; provided that the
20 Oahu community correctional center is relocated or rebuilt on



1 its current Kalihi site, in a manner that reduces the facility's
2 footprint so that such redevelopment is possible.

3 (b) The feasibility study shall include but not be limited
4 to consideration of the following:

- 5 (1) Exploring the option of rebuilding the Oahu community
6 correctional center on its current site in Kalihi
7 using a multi-story design that minimizes its
8 footprint, which would still enable redevelopment
9 opportunities in view of the site's close proximity to
10 a future rail transit station. Redevelopment to be
11 considered for the current Oahu community correctional
12 center site shall include housing, retail,
13 restaurants, government buildings, and parks;
- 14 (2) Forming partnerships with the private sector to
15 generate revenue and innovative development
16 opportunities;
- 17 (3) Revitalizing Kalihi and promoting Kalihi as a major
18 center of economic activity while ensuring the State
19 and the Kalihi community gain economic and other
20 benefits from private development related to transit-
21 oriented growth; and



1 (4) Exploring the sale or long-term lease of the land to
2 generate tax revenues and lease rent income for the
3 State and property tax revenues for the city and
4 county of Honolulu.

5 (c) In conducting the feasibility study, the commissioned
6 party may consult with the attorney general, comptroller,
7 director of finance, chairperson of the board of land and
8 natural resources, executive director and chief executive
9 officer of the Honolulu authority for rapid transportation, and
10 individuals possessing expertise in the redevelopment of state
11 land.

12 (d) The governor shall submit the feasibility study,
13 including its findings, recommendations, and any proposed
14 legislation, to the legislature no later than twenty days prior
15 to the convening of the regular session of 2017.

16 PART IV

17 SECTION 5. (a) The Oahu community correctional center
18 shall be rebuilt pursuant to this Act as a multi-story facility
19 and upgraded to use modern technology.

20 (b) The new, 1,250-bed Oahu community correctional
21 facility shall be a secure, minimum- to medium-security



1 community correctional facility designed to include in-house
2 rehabilitation programs for the treatment of chemical dependency
3 and abuse and other mental health programs as well as to prepare
4 inmates for re-entry into society. The design of the new
5 facility shall incorporate the separation of low-risk offenders
6 and high-risk offenders and shall be orientated towards recovery
7 models for inmates with substance abuse and mental health
8 issues.

9 (c) In financing the new facility, the State shall examine
10 all possible financing options, including private-public
11 partnerships, to make the most effective use of State funds.

12 PART V

13 SECTION 6. The director of finance is authorized to issue
14 general obligation bonds in the sum of \$ or so much
15 thereof as may be necessary and the same sum or so much thereof
16 as may be necessary is appropriated for fiscal year 2016-2017
17 for the purpose of purchasing jail facilities for up to 1,250
18 beds on a turn-key basis, to include jail housing units and
19 support buildings, for the Oahu community correctional center to
20 be located on an existing parcel of the Halawa correctional



1 facility. The funds appropriated shall be expended by the
2 department of public safety.

3 SECTION 7. The appropriations made for the capital
4 improvement projects authorized by this Act shall not lapse at
5 the end of the fiscal biennium for which the appropriation is
6 made; provided that all moneys from the appropriations
7 unencumbered as of June 30, 2018, shall lapse as of that date.

8 PART VI

9 SECTION 8. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2016-2017 for the
12 planning, design, and construction of the relocated Maui
13 community correctional center.

14 The sum appropriated shall be expended by the department of
15 public safety for the purposes of this Act.

16 PART VII

17 SECTION 9. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on July 1, 2016.



Report Title:

Correctional Facilities; Appropriation

Description:

Exempts the State from environmental impact statement or assessment requirements for a jail facility on an existing parcel of the Halawa Correctional Facility. Clarifies governor's authority to contract for construction of correctional facilities. Appropriates funds for a new Oahu Community Correctional Center and relocating Maui Community Correctional Center. Requires a feasibility report on development of Oahu Community Correctional Center land.
(HB2388 HD1)

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