

A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

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PART I

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

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

There is adequate space to move the Oahu community correctional center to the grounds of the Halawa correctional facility. Such use would be consistent with the current use of the site and also provide cost efficiencies through shared use of common services, such as food preparation, laundry and medical clinics.



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

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

20 The legislature further finds that in financing the new
21 facility, the State must examine all options, including private-



1 public partnerships, to make the most effective use of State
2 funds.

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

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

- 20 (1) Clarifying the governor's authority to negotiate for
21 the construction of a correctional facility to include



1 the authority to negotiate for construction of a jail,
2 such as that needed on Maui, and aligning
3 environmental impact statement and assessment
4 requirements for such a jail with generally applicable
5 requirements;

6 (2) Requiring the governor to conduct a feasibility study
7 that includes reconstructing the Oahu community
8 correctional center with a smaller footprint on the
9 land that it currently occupies and redeveloping the
10 remainder of the site; and

11 (3) Appropriating funds for reconstruction of the Oahu
12 community correctional center and the relocation of
13 the Maui community correctional center.

14 PART II

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

17 "(a) Notwithstanding any other law to the contrary, the
18 governor, with the assistance of the director, may negotiate
19 with any person for the development or expansion of private in-
20 state correctional facilities or public in-state turnkey
21 correctional facilities to reduce prison or jail overcrowding;



1 provided that if an environmental assessment or environmental
2 impact statement is required for a proposed site or for the
3 expansion of an existing correctional facility under section
4 343-5, then notwithstanding the time periods specified for
5 public review and comments under section 343-5, the governor
6 shall accept public comments for a period of sixty days
7 following public notification of either an environmental
8 assessment or an environmental impact statement.

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

12 (1) The percentage of low, medium, and high security
13 inmates and the number of prison or jail beds needed
14 to incarcerate each of the foregoing classes of
15 inmates;

16 (2) The facility's impact on existing infrastructure, and
17 an assessment of improvements and additions that will
18 be necessary;

19 (3) The facility's impact on available modes of
20 transportation, including airports, roads, and
21 highways; and



1 (4) A useful life costs analysis."

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

4 "§353-16.37 Community partnering. Regardless of the
5 method for funding new prison or jail facilities, the department
6 of public safety shall develop and implement a community
7 partnering process to be incorporated into [~~the request for~~
8 ~~proposal,~~] the planning of any new prison or jail; this
9 partnering process shall include a community hearing for the
10 purpose of soliciting community input. Further, a community
11 benefit and enhancement package shall be developed by the
12 department and the affected community to mitigate the negative
13 aspects of building a correctional facility in the community.
14 The benefit and enhancement package may include but is not
15 limited to:

- 16 (1) Infrastructure improvements;
- 17 (2) Job training programs or improvements to schools and
18 health care facilities;
- 19 (3) Social programs; and
- 20 (4) Other government functions."



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PART III

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SECTION 4. (a) The governor shall commission a study on the feasibility of State redevelopment of the land that is currently occupied by the Oahu community correctional center to benefit the Kalihi community and the State; provided that the Oahu community correctional center is relocated or rebuilt on its current Kalihi site, in a manner that reduces the facility's footprint so that such redevelopment is possible.

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

- (1) Exploring the option of rebuilding the Oahu community correctional center on its current site in Kalihi using a multi-story design that minimizes its footprint, which would still enable redevelopment opportunities in view of the site's close proximity to a future rail transit station. Redevelopment to be considered for the current Oahu community correctional center site shall include housing, retail, restaurants, government buildings, and parks;



- 1 (2) Forming partnerships with the private sector to
2 generate revenue and innovative development
3 opportunities;
- 4 (3) Revitalizing Kalihi and promoting Kalihi as a major
5 center of economic activity while ensuring the State
6 and the Kalihi community gain economic and other
7 benefits from private development related to transit-
8 oriented growth; and
- 9 (4) Exploring the sale or long-term lease of the land to
10 generate tax revenues and lease rent income for the
11 State and property tax revenues for the city and
12 county of Honolulu.
- 13 (c) In conducting the feasibility study, the commissioned
14 party may consult with the attorney general, comptroller,
15 director of finance, chairperson of the board of land and
16 natural resources, executive director and chief executive
17 officer of the Honolulu authority for rapid transportation, and
18 individuals possessing expertise in the redevelopment of state
19 land.
- 20 (d) The governor shall submit the feasibility study,
21 including its findings, recommendations, and any proposed



1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2017.

3 PART IV

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

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

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



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PART V

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

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

PART VI

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2016-2017 for the

1 planning, design, and construction of the relocated Maui
2 community correctional center.

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

5 PART VII

6 SECTION 9. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 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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