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# A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

PART I

1  
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.



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 toward 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 commission a feasibility  
7 study 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 [~~r~~] or detainees;
- 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."

21 PART III



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

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

10 (1) Exploring the option of rebuilding the Oahu community  
11 correctional center on its current site in Kalihi  
12 using a multi-story design that minimizes its  
13 footprint, which would still enable redevelopment  
14 opportunities in view of the site's close proximity to  
15 a future rail transit station. Redevelopment  
16 opportunities to be considered for the current Oahu  
17 community correctional center site shall include  
18 housing, retail, restaurants, government buildings,  
19 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 oriented toward 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.

20 PART V



1 SECTION 6. The director of finance is authorized to issue  
 2 general obligation bonds in the sum of \$ or so much  
 3 thereof as may be necessary and the same sum or so much thereof  
 4 as may be necessary is appropriated for fiscal year 2016-2017  
 5 for the purpose of purchasing, constructing, developing,  
 6 leasing, or otherwise providing for jail facilities for up to  
 7 1,250 beds, to include jail housing units and support buildings,  
 8 for an Oahu community correctional center.

9 The sum appropriated shall be expended by the department of  
 10 public safety for the purposes of this part.

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

16 PART VI

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



1           The sum appropriated shall be expended by the department of  
2 public safety for the purposes of this part.

3                                   PART VII

4           SECTION 9. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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



**Report Title:**

Correctional Facilities; Appropriation

**Description:**

Clarifies the Governor's authority to negotiate for the construction of correctional facilities and aligns environmental impact statement and assessment requirements as generally applicable requirements. Appropriates funds for jail facilities for an Oahu Community Correctional Center and relocating Maui Community Correctional Center. Requires a feasibility report on development of Oahu Community Correctional Center land.  
(SD1)

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