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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. Section 353-16.2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) The director may effect the transfer of a committed  
4 felon to any correctional institution located in another state  
5 regardless of whether the state is a member of the Western  
6 Interstate Corrections Compact; provided that the institution is  
7 in compliance with appropriate health, safety, and sanitation  
8 codes of the state, provides a level of program activity for the  
9 inmate that is suitable, and is operated by the federal  
10 government or by that state~~[, by]~~ or any of its political  
11 subdivisions ~~[, or by a private institution]~~; and provided  
12 further that the transfer is either:

13           (1) In the interest of the security, management of the  
14           correctional institution where the inmate is presently  
15           placed, or the reduction of prison overcrowding; or

16           (2) In the interest of the inmate."



1 SECTION 2. Section 353-16.3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§353-16.3 Development of out-of-state Hawaii correctional  
4 facilities. Notwithstanding any other provision to the  
5 contrary, the governor, with the assistance of the director, may  
6 negotiate with the federal government or any appropriate [out-  
7 of-state jurisdiction] state or its political subdivisions for  
8 the development of Hawaii correctional facilities to reduce  
9 prison overcrowding; provided that any agreement negotiated  
10 pursuant to this section shall be subject to legislative  
11 approval by concurrent resolution in any regular or special  
12 session."

13 SECTION 3. Section 353-16.36, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§353-16.36[+] Contracts for construction of  
16 correctional facilities by private entities. The governor may  
17 enter into and execute contracts in the name of the State with  
18 any private entity to construct and then lease or purchase  
19 correctional facilities on public or private lands in the State  
20 for the benefit of the State."



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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On

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# H.B. NO. 440

**Report Title:**

Government Contracts; Out-Of-State Private Correctional  
Facilities

**Description:**

Prohibits government contracts to develop or house inmates in out-of-state private correctional facilities. Clarifies that the State may contract with federal, state, and municipal governments to house inmates and develop correctional facilities.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

