
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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 that state, by any
10 of its political subdivisions, or by a private institution;
11 [~~and~~] provided further that the transfer is either:

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

15 (2) In the interest of the inmate.

16 Beginning July 1, 2019, the director shall commence reducing the
17 number of committed felons incarcerated in private, for-profit



1 correctional institutions. Beginning January 1, 2035, no inmate
2 shall be committed or transferred to any for-profit correctional
3 institution."

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

6 "§353-16.3 Development of out-of-state Hawaii correctional
7 facilities. Notwithstanding any other provision to the
8 contrary, the governor, with the assistance of the director, may
9 negotiate with any appropriate out-of-state jurisdiction for the
10 development of Hawaii correctional facilities to reduce prison
11 overcrowding; provided that any agreement negotiated pursuant to
12 this section shall be subject to legislative approval by
13 concurrent resolution in any regular or special session[-];
14 provided further that any agreement made with a for-profit
15 correctional institution for the imprisonment of inmates after
16 December 31, 2034, shall be invalid."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2 INTRODUCED BY: Alan Toledano

Stanley M. Mui

Sen. Dick

Art

By James

Don

Del Holt

Richard

Tim

Carl

Amy Parnaso

Ed

Alan

David Parnaso

Calvin M. Boy

Tim Wildgen

By the

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H.B. NO. 424

Report Title:

PSD; For-Profit Correctional Institutions; Prisons; Out-of-State

Description:

Prohibits the Department of Public Safety from using for-profit prisons to house inmates by 2035.

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