

S.B. NO. 2918

JAN 23 2020

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that in 2001, the federal
2 Bureau of Prisons opened the Honolulu Federal Detention Center
3 at an approximate cost of \$170,000,000.

4 Located on the west side of the Daniel K. Inouye
5 International Airport, the Honolulu Federal Detention Center
6 houses male and female federal pre-trial detainees, sentenced
7 felons who have nearly completed their prison terms, and Hawaii
8 inmates who are awaiting trial in state court, at an occupancy
9 rate far below the facility's potential capacity of one thousand
10 two hundred beds.

11 The Honolulu Federal Detention Center currently houses
12 approximately four hundred inmates, approximately one hundred
13 seventy of which are state detainees, in an efficient vertical
14 design structure that requires fewer workers to manage
15 detainees, includes integrated state-of-the-art surveillance and
16 management technologies, and accommodates a wide variety of uses
17 including cells, office areas, medical facilities, recreational

1 areas, storage rooms, food preparation areas, laundry,
2 mechanical rooms, security, and communications.

3 The State has struggled for years to find additional
4 capacity for its overcrowded jails and prisons, which were
5 designed to hold a combined total of 2,491 inmates, but the
6 State currently hold approximately 5,161 inmates. Replacing or
7 refurbishing state prisons and jails to meet the current demand
8 for adequate space and services would cost an estimated
9 \$1,500,000,000 to \$2,000,000,000.

10 Since June 2001, the State has leased bed space at the
11 Honolulu Federal Detention Center to relieve jail overcrowding.
12 In September 2019, it housed one hundred eighty-six male and
13 female inmates under the department of public safety's
14 jurisdiction at a daily cost of \$129.48 per inmate.

15 Furthermore, the number of Honolulu Federal Detention
16 Center inmates should likely decrease further after President
17 Donald Trump signed in December 2018 a bipartisan criminal
18 justice reform bill called the First Step Act of 2018, which, in
19 part, is aimed to reduce recidivism and decrease the number of
20 inmates currently housed in federal correctional facilities.

21 State acquisition of the Honolulu Federal Detention Center
22 would enable it to serve as the new Oahu community correctional

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1 center and eliminate the immediate financial burden of building
2 a new state correctional facility. This will also enable the
3 current Oahu community correctional center site to be vacated by
4 the department of public safety and redesignated for a non-
5 correctional use.

6 The legislature further finds that there has long been
7 interest in obtaining the Honolulu Federal Detention Center. In
8 2016, House Concurrent Resolution No. 31 requested Hawaii's
9 congressional delegation to assist the State in negotiating with
10 the federal government for the acquisition of the Honolulu
11 Federal Detention Center.

12 The purpose of this Act is to appropriate funds for the
13 purchase of the Honolulu Federal Detention Center.

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2020-2021 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2021-2022 to purchase the Honolulu Federal Detention Center for
19 the purpose of housing state detainees and inmates, relieving
20 overcrowding at state jails and prisons, and eliminating the
21 financial costs of leasing bed space for state inmates at the
22 Honolulu Federal Detention Center.

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

3 SECTION 3. This Act, upon its approval, shall take effect
4 on July 1, 2020.

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INTRODUCED BY: 

BY REQUEST

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Report Title:

Public Safety; Honolulu Federal Detention Center; Appropriation

Description:

Appropriates funds to purchase the Honolulu Federal Detention Center.

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JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.

PURPOSE: To make an appropriation to the Department of Public Safety (PSD) to purchase the Honolulu Federal Detention Center for the purpose of housing State detainees and inmates, relieving overcrowding at State jails and prisons, and eliminating the financial costs of leasing bed space for State inmates at the Honolulu Federal Detention Center.

MEANS: Appropriation of funds.

JUSTIFICATION: The Honolulu Federal Detention Center (FDC) currently houses approximately 400 inmates, nearly one-half (186 or 47%) of which, as of September 2019, are State detainees, at a cost of \$129.48 per inmate per day. It must be noted that the FDC has been operating at a capacity well below the facility's potential of 1,200 beds. PSD has struggled to find additional capacity for its overcrowded jails and prisons, the total design capacity of which stands at 2,491 inmates as compared to the 5,161 that are currently in PSD's custody. It is estimated that replacing or refurbishing the outdated State prisons and jails with adequate space and services to meet the current inmate housing demand would cost between \$1,500,000,000 and \$2,000,000,000. In addition, the number of FDC inmates should likely decrease further once the federal First Step Act of 2018, aimed at reducing recidivism and the number of inmates housed in federal correctional facilities, takes full effect. State acquisition of the Honolulu FDC would enable it to serve as the new Oahu

Community Correctional Center (OCCC), which currently houses 1,165 on a given day and eliminate the immediate financial burden of building a new State correctional facility. This would enable the current OCCC to vacate its current site and allow alternative uses of the area long desired by members of the surrounding community.

Impact on the public: As the present OCCC site is within urban Honolulu and the Transit-Oriented Development corridor and in close proximity to area schools, members of the surrounding community would applaud the advent of the site's redevelopment and revitalization and the increased safety and security afforded by these new initiatives.

Impact on the Department and other agencies: This request will allow PSD to house OCCC detainees in updated, secure facilities, in a location that is reasonably convenient to the Courts, transportation alternatives for work furlough opportunities, and family visitation.

GENERAL FUNDS: TBD

The general fund appropriation included in this measure has been proposed with consideration of the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. The total proposed appropriations from the General Fund (which include the Executive Supplemental Budget for FB 2019-2021 and Administration Proposal BUF-08(20), appropriation for bargaining unit 13 collective bargaining increases to be submitted) exceed the appropriation ceiling by \$14,179,623 (or 0.2%) in fiscal year 2019-2020. Funding requested

in this measure for the purchase of the Honolulu Federal Detention Center will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2019-2020 by an additional unspecified amount yet to be determined. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2019-2020 in the Executive Supplemental Budget, administration proposal BUF-08(20), and this measure only, and does not include other general fund appropriations for fiscal year 2019-2020 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2020.

The general fund appropriation included in this measure has been proposed with consideration of the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. The total proposed appropriations from the General Fund (which include the Executive Supplemental Budget for FB 2019-2021 and Administration Proposal BUF-08(20), appropriation for bargaining unit 13 collective bargaining increases to be submitted) exceed the appropriation ceiling by \$24,761,740 (or 0.3%) in fiscal year 2021. Funding requested in this measure for the purchase of the Honolulu Federal Detention Center will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2020-2021 by an additional unspecified amount yet to be determined. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2020-2021 in the Executive Supplemental Budget, administration proposal BUF-08(20), and this measure only, and does not include other general fund

appropriations for fiscal year 2020-2021 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2020.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TBD

OTHER AFFECTED
AGENCIES: The Judiciary, Hawaii Paroling Authority.

EFFECTIVE DATE: July 1, 2020.