

STAND. COM. REP. NO.

170

Honolulu, Hawaii

, 2021

FEB 11

RE: H.B. No. 398

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which
was referred H.B. No. 398 entitled:

"A BILL FOR AN ACT RELATING TO INMATES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that the Department of Public Safety retains custody of and jurisdiction over any Hawaii inmate who has been transferred to and is incarcerated at a correctional institution located outside of the State;
- (2) Provide that the Department of Public Safety may transfer any Hawaii inmate who was transferred to an out-of-state institution back to the State at any time and for any reason; and
- (3) Require Hawaii inmates incarcerated outside of the State to be afforded all the rights and privileges available to inmates incarcerated at correctional institutions located within the State.



Your Committee received testimony in support of this measure from Habilitat and three individuals. Your Committee received comments on this measure from the Department of Public Safety and Community Alliance on Prisons.

Your Committee finds that additional assurances are needed that inmates housed in out-of-state correctional facilities will be provided comparable treatment, oversight, and safeguards to inmates housed within the State. Your Committee finds, however, that there may be instances, such as the examples identified by the Department of Public Safety involving a new crime committed outside the State, when the Department of Public Safety is unable to return an inmate to Hawaii.

Accordingly, your Committee has amended this measure by:

- (1) Removing the language requiring the return of an inmate regardless of whether the inmate faces a criminal charge in the jurisdiction in which the inmate is incarcerated;
- (2) Changing the effective date to July 1, 3050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 398, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 398, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSR 120

Record of Votes of the Committee on Corrections, Military, & Veterans

| | | | | |
|---|--|-------------------------------|-------------|----------------|
| Bill/Resolution No.: HB 398 | Committee Referral: CMV, JHA, FIN | Date: 2/5/20 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| CMV Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. OHNO, Takashi (C) | X | | | |
| 2. GANADEN, Sonny (VC) | X | | | |
| 3. BRANCO, Patrick Pihana | X | | | |
| 4. KOBAYASHI, Bertrand | X | | | |
| 5. KONG, Sam Satoru | X | | | |
| 6. MORIKAWA, Dee | X | | | |
| 7. TARNAS, David A. | X | | | |
| 8. McDERMOTT, Bob | | | | X |
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| TOTAL (8) | 7 | | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |