

STAND. COM. REP. NO.

1094

Honolulu, Hawaii

MAR 19

, 2021

RE: S.B. No. 1243
S.D. 2
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 S.B. No. 1243, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE PHASEOUT OF PRIVATE CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to require:

- (1) The State to phase out the use of private prisons; and
- (2) The Department of Public Safety to obtain the Hawaii Correctional System Oversight Commission's approval before constructing any new correctional facility or expanding any existing correctional facility.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of Hawaiian Affairs; Hawai'i Correctional System Oversight Commission; Community Alliance on Prisons; United Public Workers, AFSCME Local 646, AFL-CIO; American Civil Liberties Union of Hawai'i; Hawaii State Teachers Association; Young Progressives Demanding Action; Hawaii Government Employees Association, ASFCME Local 152, AFL-CIO; The Sentencing Project; and seventeen individuals. Your

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Committee received testimony in opposition to this measure from the Department of Public Safety.

Your Committee finds that the State has relied on contracted private, for-profit prisons to house a significant portion of the State's prison population for more than two decades. Your Committee further finds that the adverse impacts of incarcerating inmates outside of the State include isolating the inmates from their families, friends, and in many cases, cultural roots. Your Committee notes, however, that private prisons were authorized in response to overcrowded conditions in outdated correctional facilities that became unable to house the increase in the State's prison population. Your Committee therefore finds that any plan to phase out the use of private correctional facilities must be accompanied by a thorough systemic review of any plans for construction of new correctional facilities or expansion of existing correctional facilities.

Accordingly, your Committee has amended this measure by:

- (1) Removing the preamble;
- (2) Removing the prohibition on the use of private correctional institutions and instead tasking the Hawaii Correctional System Oversight Commission with creating a comprehensive plan to phase out private correctional institutions by an unspecified date;
- (3) Requiring the Department of Public Safety to obtain input and recommendations from the Hawaii Correctional System Oversight Commission on any master plan to construct a new correctional facility or expand an existing correctional facility, and include the input and recommendations in any environmental impact statement on the project;
- (4) Changing the effective date to July 1, 3050, to encourage further discussion; and
- (5) 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 S.B. No. 1243, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1243, S.D. 2, 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



