

STAND. COM. REP. NO.

172

Honolulu, Hawaii

FEB 11 , 2021

RE: H.B. No. 1080
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. 1080 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:

- (1) Require the State to phase out the use of private correctional facilities to incarcerate Hawaii inmates; and
- (2) Prohibit the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawaii Correctional System Oversight Commission.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Community Alliance on Prisons; League of Women Voters; American Civil Liberties Union of Hawai'i; Habilitat; Hawai'i Friends of Restorative Justice; Kokua Kalihi Valley; Ohana Ho'opakele; Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; and numerous individuals. Your Committee received comments on this measure from the Department of Public Safety.

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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 Your Committee notes, however, that private prisons were authorized in response to overcrowded conditions in outdated correctional facilities that became unable to house the increase in the State's prison population.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 prohibition on the use of private correctional institutions and instead tasking the Hawaii Correctional System Oversight Commission (Commission) with creating a comprehensive plan to phase out private correctional institutions by 2025;
- (2) Requiring the Department of Public Safety to obtain input and recommendations from the 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;
- (3) Changing the effective date to July 1, 3050, to encourage further discussion; and
- (4) 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. 1080, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1080, 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



