

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2269
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Judiciary and Commerce and Consumer Protection, to which was referred S.B. No. 2269 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Repeal the authorization of the Governor to negotiate with any person for the development or expansion of private in-state correctional facilities;
- (2) Prohibit the establishment of private correctional facilities in the State; and
- (3) Allow the Governor to enter into a contract with a private entity to construct a correctional facility on public or private land, only if the facility is operated by the Department of Public Safety.

Your Committees received testimony in support of this measure from United Public Workers, AFSCME Local 646, AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and Imua Alliance. Your Committees received testimony in opposition to this measure from Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, and seven individuals. Your Committees



received comments on this measure from the Department of Public Safety and American Civil Liberties Union of Hawai'i.

Your Committees find that research has shown the adverse effects on inmates who are incarcerated in out-of-state, private prisons and the shortfall of oversight and accountability at these facilities. Prisons owned and operated by private entities are not subject to the same freedom of information and open records laws as government agencies. Your Committees further find that private prisons provide a financial motivation for the further criminalization of nonviolent offenses and imposition of longer sentences. This measure will prevent the development of private prisons in the State by repealing the authorization of the Governor to negotiate with any person for the development or expansion of private in-state correctional facilities, prohibiting the establishment of private correctional facilities in the State, and allowing the Governor to enter into a contract with a private entity to construct a correctional facility on public or private land, only if the facility is owned and operated by the Department of Public Safety.

Your Committees have amended this measure by:

- (1) Requiring that prisons constructed by a private entity be owned and operated by the Department of Public Safety;
- (2) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2269, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2269, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Commerce and Consumer
Protection,



ROSALYN H. BAKER, Chair



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

| | | | | |
|--|---------------------|-----------------|---------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 2269 | PSM, JDC/CPN | 03-01-22 | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| RHOADS, Karl (C) | ✓ | | | |
| KEOHOKALOLE, Jarrett (VC) | ✓ | | | |
| ACASIO, Laura | | ✓ | | |
| GABBARD, Mike | ✓ | | | |
| KIM, Donna Mercado | ✓ | | | |
| LEE, Chris | ✓ | | | |
| FEVELLA, Kurt | ✓ | | | |
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| TOTAL | 6 | 1 | - | - |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Karl Rhoads</i> | | | | |
| Distribution: | | | | |
| Original | Yellow | Pink | Goldenrod | |
| File with Committee Report | Clerk's Office | Drafting Agency | Committee File Copy | |

*Only one measure per Record of Votes

