STAND. COM. REP. NO. 719

Honolulu, Hawaii

## MAR 0 4 2021

S.B. No. 744 RE: S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 744 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- Repeal the authorization for the Governor to negotiate (1) with any person for the development or expansion of private correctional facilities; and
- (2) Prohibit the establishment of private correctional facilities in the State.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Americans for Democratic Action; Community Alliance on Prisons; Ohana Ho'opakele; United Public Workers, AFSCME Local 646, AFL-CIO; American Civil Liberties Union of Hawai'i; Imua Alliance; and ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that private correctional facilities are for-profit entities that lack transparency and accountability for incarcerated individuals. Public correctional facilities ensure

that consistent policies, protocols, and standards are maintained for incarcerated individuals; employees are properly trained; and medical programs and treatment are readily available. Your Committee further finds that private correctional facilities are not directly subject to the same requirements of a public correctional facility, such as Hawaii's Uniform Information Practices Act, although the Department of Public Safety may collect data from private facilities. This reduces transparency and public accountability in the State's criminal justice system.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 744, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 744, S.D. 1.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* 58 744	Committee Referral:			Date: 2 23 24	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)					
KEOHOKALOLE, Jarrett (VC)		<b>/</b>			
ACASIO, Laura		<b>\</b>			
GABBARD, Mike		<b>√</b>			
KIM, Donna Mercado					
LEE, Chris		$\sqrt{}$			
FEVELLA, Kurt		J	_		
TOTAL		6	(		
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow port Clerk's Office		Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes