

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 744  
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:

- (1) Repeal the authorization for the Governor to negotiate 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,



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KARL RHOADS, Chair



